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VOLUME X, NUMBER 2 FALL 1992

Justin Raimondo John T. Flynn: Exemplar of the Old Right

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The Journal of Libertarian Studies, Volumes 1–10

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THE JOURNAL OF LIBERTARIAN STUDIES

VOLUME X, NUMBER 2 FALL 1992

Justin Raimondo 107 John T. Flynn: Exemplar of the Old Right

Paul Gottfried 125 The Sovereign State at Bay

Bill Kauffman 139 The Child Labor Amendment Debate of the 1920s; or, Catholics and Mugwumps and Farmers

James C. W. Ahiakpor 171 Rashid on Adam Smith: In Need of Proof

Salim Rashid 181 Adam Smith and Neo-Plagiarism: A Reply

David Gordon 191 Review, *Atheism, Ayn Rand, and Other Heresies*, by George H. Smith

201 Cumulative Index to *The Journal of Libertarian Studies*, Volumes 1–10

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F. A. Hayek, Nobel Laureate in economics and author of such influential works as *The Road to Serfdom* and *The Constitution of Liberty*, died in March of this year. He would have been 93. Hayek was a member of the editorial board of the JOURNAL OF LIBERTARIAN STUDIES since its inception.

We also note with great regret the tragically early passing of Roy A. Childs, Jr., at the age of 43. Roy was a former member of our editorial board, and he made significant contributions to the Center for Libertarian Studies and to the JOURNAL OF LIBERTARIAN STUDIES in its early years. Indeed, Roy Childs's most memorable article was "The Invisible Hand Strikes Back," a devastating critique of Robert Nozick's *Anarchy, State, and Utopia*, contributed to our very first issue, Winter 1977.

—The Editors

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The Journal of Libertarian Studies, Vol. X, No. 2 (Fall 1992)

John T. Flynn: Exemplar of the Old Right

by Justin Raimondo*

Prior to World War I, liberals held two guiding principles: distrust of Big Business and opposition to war. As the approach of World War II darkened the political horizon, the American Left's hatred of capitalism and embrace of "democracy" overwhelmed its traditional abhorence of war. Liberals of the *New Republic* variety, along with their radical confreres, leaped on the Popular Front bandwagon, jettisoned their anti-interventionist and anti-militarist baggage, and rode the wave of war hysteria all the way to Pearl Harbor. The war accelerated and strengthened the statist tendencies in the Left until, in a very short time, the anti-militarism of such old style liberals as Oswald Garrison Villard seemed archaic.[1]

The career of John T. Flynn—journalist, author, and master polemicist of the Old Right—is highly unusual in that its course reveals a pattern the exact reverse of this massive and relatively rapid degeneration. Flynn started out as a liberal columnist for that flagship of American liberalism, the *New Republic,* and wound up on the far Right, defending Joe McCarthy and denouncing "creeping socialism." Now this in itself is far from unique. A whole generation of New York–based left-wing intellectuals, traumatized by World War II and "the God that failed," went from Stalinism to Trotskyism to Reaganism, moving inexorably from left to right. For some, like James Burnham, the transformation occurred with dizzying speed; for others, like Max Shachtman, it took decades. What is unusual about Flynn is that his journey turns the familiar neoconservative odyssey on its head. Instead of being seduced by the New Deal and the Popular Front into supporting the war, Flynn was led by his thoroughgoing anti-war stance to challenge the developing state-worship of modern liberalism.

* c/o The Center for Libertarian Studies, P.O. Box 4091, Burlingame, CA 94011. This is excerpted from a forthcoming book, *Reclaiming the American Right*, to be published by the America First Publishing Co.

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As the New Deal liberals and Popular Front radicals deserted their former anti-war position, they blazed a path that would be followed by the anti-Stalinist leftist intellectuals of the post-war period; the pattern of their defection from left to right was virtually always the same. They almost always broke with leftist orthodoxy over some foreign policy issue, itself invariably motivated by the imminence of some military conflict involving the U.S. In these moments of crisis, with the whole weight of public opinion bearing down on them, the left-liberal intellectuals broke down; it was easier to go with the flow.

I. Swimming Against the Tide

Certainly "go with the flow" is the one phrase that *least* describes the career of John T. Flynn. When liberal and leftist intellectuals enlisted as the propagandists of Roosevelt's war, Flynn dared to swim against the tide, and became one of the central leaders of the America First Committee. For this he endured a campaign of calumny, lies, blacklisting, espionage, and the ever-present threat of government repression. But Flynn rose to the occasion, and became one of the outstanding founders and leaders of the movement we know today as the Old Right.

John T. Flynn was born in 1882, in Bladensburg, Maryland, where he grew up in a devoutly Roman Catholic family.[2] He studied law at Georgetown University but soon switched to journalism. After a long struggle, he finally found a position in 1920 with the New York *Globe,* where he specialized in financial analysis. By the start of the 1930s, his muckraking articles exposing fraud in the financial markets were featured in *Colliers, Harpers,* and other major magazines. He also wrote a series of muckraking books: *Investment Trusts Gone Wrong!, Graft in Business,* and a very fair biography of John D. Rockefeller, entitled *God's Gold.*[3]

There was little or nothing in Flynn's writing at this time that indicated his future direction; he was a conventional liberal, whose views were not out of place in that bastion of liberal orthodoxy, the *New Republic.* In March 1933 he began a weekly column, "Other People's Money," for the magazine, in which he campaigned for a federal investigation of banking practices. When Roosevelt was swept into office, Flynn welcomed him, sharing the hope that the new President would get the country moving again. Flynn supported the Democratic party platform of 1932, which called for an end to the extravagant spending of the Republicans, a balanced budget, and the abolition of the many government bureaus and commissions that had

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begun to accumulate. Flynn believed that the way to beat the Depression was to stimulate private investment, trim the "rough edges" of capitalism, and avoid big spending schemes. In his campaign speeches, Roosevelt had said: "I am opposed to any form of dole. I do not believe that the state has any right merely to hand out money." Big spending projects, Roosevelt said, would only be a "stopgap" measure and would ultimately fail to solve the problem of unemployment. In July of 1932, Roosevelt cited the Democratic platform which promised "a saving of not less than 25 percent" of the cost of the federal government. Lashing out against Hoover for not reducing government expenditures he said: "I accuse the present administration of being the greatest spending administration in peace times in all our history!" Then he added: "On my part, I ask you very simply to assign to me the task of reducing the annual operating expenses of your national government."

But Flynn was soon disillusioned. In fact, the New Deal that Roosevelt sold to the American people in 1932 bore absolutely no resemblance to the one he immediately imposed on an unsuspecting nation. During the first 100 days of his Administration, Roosevelt racked up a deficit larger than the one it took Hoover two years to produce. Worse, from Flynn's viewpoint, was the blizzard of new government agencies the President created, agencies that sought to regulate every aspect of economic life, and the billions in borrowed money that financed them. He used his column in the *New Republic* to attack the President, and in 1940 came out with a short book, *Country Squire in the White House*,[4] in which he excoriated Roosevelt for betraying the trust of the people who had elected him.

Flynn was particularly horrified by the National Recovery Administration (NRA), which he denounced as "one of the most amazing spectacles of our times," that "represented probably the gravest attack upon the whole principle of the democratic society in our political history." With prices, wages, hours, and production quotas set by trade associations, and an industry-wide code set up to regulate every aspect of commerce, competition would be eliminated and business would ensure for itself a secure and profitable niche in the new corporatist order. This was all couched in the language of liberalism, Flynn said, but it was championed primarily by the Chamber of Commerce and other business groups. Flynn saw himself as the defender of true liberalism, which had been betrayed by That Man in the White House. He argued:

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> While at the same time proclaiming his devotion to democracy, he [Roosevelt] adopted a plan borrowed from the corporative state of Italy and sold it to all the liberals as a great liberal revolutionary triumph. And, curiously, every American liberal who had fought monopoly, who had demanded the enforcement of the anti-trust laws, who had denied the right of organized business groups, combinations and trade associations to rule our economic life, was branded as a Tory and a reactionary if he continued to believe these things.[5]

Flynn predicted that Roosevelt's spending on vast domestic programs could not continue, for he would run out of useful peacetime projects. At the beginning of his first term Congress had dumped $32 billion in Roosevelt's lap for "recovery," to spend as he chose; this was the source of his power, and he would be determined to maintain it. Suspension or even contraction of government spending would lead to an economic downturn much worse than the Great Crash, and would sink his chances for reelection. But the government had borrowed up to the limit; further funds would have to come out of tax revenues, and this was bound to run into resistance from conservatives. The President, Flynn said, would turn to preparations for war in order to solve his dilemma, for the fantastic extravagance of the administration had reached the point of no return.

> When this point is reached in spending programs, there is always one kind of project left that breaks down resistance—which particularly breaks down resistance among the very conservative groups who are most vocal against government spending. That is national defense. The one sure and easiest way to command national assent from all groups is to ask it for national defense.[6]

World War II would be the ultimate New Deal jobs program. The Supreme Court may have declared the NRA unconstitutional, but there were other ways to militarize the economy—such as actually going to war. Roosevelt would pursue military adventure abroad to take the people's minds off their troubles at home—troubles that were not getting any better, and that the New Deal was only making worse. The President had thrown off the pretense of neutrality in the war between the European empires, and was now "the recognized leader of the war party." Flynn charged that "[t]here is not the slightest doubt that the only thing that now prevents his active entry on the side of the Allies is his knowledge that he cannot take the American people in yet."[7]

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Though Roosevelt's enemies often attacked him as a dictator, Flynn's analysis was more subtle. The President, he said, was not a dictator: he lacked the "blazing certainty" of the ideologue, and, besides, "too many people would hate him" if he played the role of dictator, "and he could not endure that."[8] Instead, Flynn feared that the New Deal was the prelude to a new despotism, the first two or three steps in the direction of a corporatist oligarchy. Roosevelt had breached the walls; the future oligarchs had only to step through the breach and take possession of the fortress.

Flynn was unrelenting in his assault on the President, and Roosevelt, not one to stand idly by and take it, was quick to respond. After reading an attack on himself and his aide, Harry Hopkins, in the *Yale Review,* the President wrote to the editor of that publication in which he declared that Flynn had become "a destructive rather than a constructive force." Roosevelt went on to say that Flynn "should be barred hereafter from the columns of any presentable daily paper, monthly magazine or national quarterly, such as the *Yale Review.*"[9]

This is exactly what happened. We hear much about the alleged effect of the anti-Communist blacklist at the height of the Cold War, especially in Hollywood. Any number of outright Stalinists and fellow travelers have spent the greater part of the last twenty years whining and wailing about what a great injustice it was. But this was nothing compared to the blacklisting of so-called "isolationists" during the Roosevelt era. As Garet Garrett wrote about the war hysteria, "[i]n the orchestration of this policy the intellectuals had the drums, the percussion instruments and the brass."[10] The sound of it was deafening, and all dissident notes were drowned out. Flynn had been using his column in the *New Republic* to denounce Roosevelt's "deliberately selling to our people the baleful notion that some enemy is about to assail us." Were liberals really so "enfeebled by confusion and doubt that they will permit themselves to be marched off behind this fantastic banner"? He bitterly attacked the Communists, who had agitated against foreign entanglement until 1937, and were now interested in only one thing: that the United States should enter the war "on the side of Russia." That is why the Communist Party was now engaged in "entangling this country in the politics of Europe."[11]

The Left had joined FDR's campaign to substitute an arms program for a true economic recovery. For all its alleged "anti-fascist" fervor, the "progressive" element was marching down the well-trod path to war singing

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the praises of the corporatist New Deal. "The present curse of Italy and Germany," said Flynn,

> is that the dictators there have made vast arms operations the medium of spending money and creating employment. You can't build battleships and make guns and war materials without putting great industries to work. The support of the economic system of both Hitler and Mussolini is the employment they have created and the income they initiate by means of the armament industry . . . but the continuation of these war preparations requires the ceasless unloosening of war alarms upon the people. The war scare is an essential implement to the war-preparation program.[12]

This time it wasn't just the munitions makers, the economic royalists, or the Republicans who were beating the war drums. "It is being done," said Flynn, "by a Democratic administration in possession of its liberal wing."[13]

The war scare and the New Deal were, in Flynn's mind, inseparable; they were two aspects of the same inexorable trend. "Thus," he declared,

> the great preparedness industry grows. I dare say no one can stop it. The Democrats have come around for it, and the Republicans have always been for it. The liberals favor it, the radicals favor it. Business favors it; the idealists favor it. Hence we shall have it.

But Flynn could not, and would not, reconcile himself to it:

> Here I shall merely drop this futile warning—that you cannot prepare for war without doing something to yourselves. You cannot have a war industry without a war scare; and having built it and made it the basis of work for several million men you cannot demobilize it and you will have to keep on inventing reasons for it.[14]

II. America First

When war broke out in Europe in 1939, Flynn devoted his energies to keeping America out of the conflict. The President wanted to repeal the Neutrality Act, which imposed an arms embargo on the combatants, and sell arms to the Allies. From there, Flynn believed, it would be a short time before America was herself embroiled in the war. Flynn was instrumental in forming the Keep America Out of War Congress, a non-interventionist association of liberals, labor leaders, and socialists such as Norman Thomas. Speaking before that group on November 10, he declared that the Presi-

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dent was determined to get the U.S. into war indirectly, by setting up a situation that would lead inevitably to war. It would then "take fifty years of research to find out how we got in." The President's policy, he said, was to divert attention away from the failure of the New Deal to get the country out of the Depression. The proposed $3 billion "defense" budget was an effort to create employment by putting the American economy on a wartime footing. Far from inevitable, the drive toward war was a "strategem of befuddled politicians," who could think of no new excuses for deficit spending. This was the real reason for Roosevelt's scare campaign, which was supposed to justify America throwing a 300-mile belt around the Western hemisphere. Germany may have swallowed up Poland, but we had annexed "the Atlantic and Pacific Oceans."[15]

In a letter to Senator Bennett C. Clark of Maryland, Flynn warned against the specter of government repression bound to accompany the coming war. The increase in the power and visibility of the FBI as an adjunct of the military was ominous, especially given that it was J. Edgar Hoover who had "carried on J. Mitchell Palmer's atrocities after the last war." The whole campaign was "a part of Roosevelt's deliberate plan to disturb the peace of mind of the American people with his spy scares and submarine scares." It was necessary "to terrify the people before they will authorize military expenditures."[16]

Flynn feared that America, already moving toward a corporate state, would fall into a dictatorship if war came. The President had already demonstrated that the "leader principle" had usurped the Constitution when he secretly traded fifty destroyers with Britain in exchange for bases. That move was "an invasion of the rights of Congress so grave" that a Congress not already sunk in "servile submission to the executive" would "meet this usurpation promptly with impeachment proceedings."[17]

As the year 1940 wore on, the liberal war cry grew louder and more aggressive. The Committee to Defend America by Aiding the Allies, headed by a group of prominent liberals, was formed; together with the unending barrage of propaganda and provocation emanating from the White House, it began to have an effect on the previously isolationist American public opinion. The shift was felt in the offices of the *New Republic.* The magazine had previously rejected Roosevelt's policy of collective security, but it abandoned this position as soon as it became inconvenient. Flynn refused to abandon his anti-militarist stance just because the editors of the *New Republic* had done so, and his column became controversial.

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Flynn insisted that it wasn't he who had changed, but the editors of the *New Republic;* he had simply retained his anti-militarist position and deep suspicion of executive power. Yet his attacks on Roosevelt were taking on a new slant. In a review of a book by Gustav Stolper arguing that the road to Nazism in Germany had been paved by the movement for social reform, Flynn detected the same pattern in this country: "[W]hen we get through with this last phase of the New Deal, we shall have added the elements of militarism, the shifts of power to the executive and the militant chauvinism, basing our economy on a war industry promoted by an aggressive foreign policy."[18] As James J. Martin has said in his *American Liberalism and World Politics,* by the end of 1940 Flynn was "almost a solitary voice defending what had now become a minority viewpoint. The passage of five years had seen no change of heart so spectacular as the about-face performed by American liberals in general on the subject of arms manufacture and the growth of military institutions."[19]

While American liberals, exemplified by the *New Republic,* were changing their views on the war, Flynn, too, was undergoing an ideological transformation. His analysis of the New Deal as carrying within it the seeds of the corporatist idea, and that the war drive was the outgrowth of New Deal domestic policies, had moved him out of the liberal mainstream. His column in the *New Republic* was now prefaced by an editors' note, expressing their disagreement with Flynn's sentiments. After an angry exchange of letters with editor Bruce Bliven, Flynn's column was discontinued.

Roosevelt's suggestion to the editor of the *Yale Review* that Flynn should be barred from the pages of the "respectable" press was rapidly becoming a fact. Flynn found that he was blacklisted along with Garet Garrett, who had been fired from the *Saturday Evening Post,* Oswald Garrison Villard (unceremoniously dumped from the *Nation*), and many others.

Flynn plunged into anti-war activities. In August 1940 he joined with General Robert E. Wood, of Sears, Roebuck and Co., and a group of prominent right-wing figures to form the America First Committee. Flynn was on the national executive committee as well as chairman of the New York chapter, and he took up the cause with a furious energy. In January 1941 Flynn went on a national speaking tour on behalf of the AFC. At a rally in Kansas City he declared that America "stands on the brink of war"—not a war for democracy, as the interventionists claimed, but a war "between empires" and "about imperialism." The bombing of England had changed nothing; Britain was merely the "biggest of all these imperialist grabbers," which had declared war on Germany not out of any great love for Poland,

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but because she "has an empire of her own which she seized exactly as Germany seized Poland and she sees the rise of a German empire threatening the safety" of that empire. The rise of Germany was threatening British control of the Mediterranean, which Britain needed to "hold India and millions of people in Asia and Africa in subjection." Why, he asked, should America risk her own democracy on behalf of the British Empire? The war was yet another "chapter in the long, age-old struggle of European empires about dividing up the world . . . and it is out of this abominable world of imperialism, the scramble for dominion, the fight for trade backed by armies and guns, that I want to keep this great peaceful democratic America of ours." Flynn accused a "small minority" of conspiring to drag the U.S. into war, motivated by Anglophilia and a misguided attempt to preserve democracy that could end only in destroying it. If war came, predicted Flynn, then the very democratic institutions in this country that the interventionists claimed to defend would be annihilated.

By this time a smear campaign against the America First Committee had begun. The ultra-interventionist pro–New Deal group led by the Reverend Leon M. Birkhead, the "Friends of Democracy," was in the forefront of this vicious campaign, which sought to equate anti-war sentiment with support for Hitler and Mussolini. Birkhead hired the notorious John Roy Carlson as an *agent provocateur.* Carlson's real name was Avedis Derounian; using yet another alias, "George Pagnanelli," he passed himself off as an Italian and joined the isolationist movement. "Pagnanelli" pretended to be an anti-Semite, even going so far as to put out an anti-Jewish hate sheet, the *Defender,* the purpose of which was to spread the calumny that the anti-war movement was pro-Nazi. While there undoubtedly was a pro-Nazi fringe, Carlson's effort to smear all or even most America First supporters with the brush of Hitlerism was a crude lie. In his book *Under Cover,* he uses the old trick of focusing on the activities of marginal bigots, who are then quoted expressing agreement with the anti-war arguments of AFC members like Flynn and other leading figures. The atmosphere of war hysteria and leader worship that permeated the pre-war years is brought home in *Under Cover* and its sequel, *The Plotters,* where Carlson equates all criticism of the New Deal and Roosevelt with treason and support for Hitler. The tragedy of those years is that Carlson's diatribe was put out by a major publisher and became a bestseller, reviewed in all the mass-circulation journals, while Flynn's reply, *The Smear Terror,* was privately published and received only a limited circulation.[20]

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Although Carlson and the smear artists of the left-wing press blew pro-fascist sentiment way out of proportion to its actual influence in the America First Committee, Flynn did not deny the existence of such an element. At an America First rally in Madison Square Garden, when Flynn discovered that American fascist leader Joe McWilliams was in the audience, he denounced McWilliams from the podium: "What he is doing here, how he got in, or whose stooge he is I do not know . . . but I do know that the photographers for the war-making newspapers always know where to find him."[21]

Flynn was no anti-Semite, and certainly no fascist or Nazi sympathizer. Unlike the war party, however, he was more concerned with fighting fascism on the home front than in Europe or Asia. When Lindbergh made his famous Des Moines speech, in which he singled out the Jews as one of the three major groups pushing the country into war, Flynn was furious. Though a member of the AFC national committee and a leading light of the group, Flynn had not seen the text of Lindbergh's speech until he read it in the newspapers. Flynn wanted the AFC to publically disassociate itself from Lindbergh's remarks, but the AFC national committee refused to do so, instead deploring what it termed "racist smears" against Lindbergh.

In a letter to Lindbergh in 1941, Flynn politely but firmly reprimanded the isolationist leader. The Des Moines speech had disrupted the work of the AFC, especially in New York. While he was sure Lindbergh was no anti-Semite, he was equally sure that attempts to introduce "shades of meaning" into the controversy would be fruitless. Lindbergh's error was that he had allowed the AFC to be "tagged with the anti-Jewish label." Yes, it was true, Flynn acknowledged, that virtually the entire Jewish population of New York backed the war drive; he agreed with Lindbergh that war was not in their interests, just as it went against the interests of the rest of the country. He went on to say that some Jewish leaders had equated all opposition to Roosevelt's interventionism with anti-Semitism, and that making the war an ethnic issue could have unpleasant consequences. "It has seemed," said Flynn, "their [the Jewish leaders'] responsibility for this should be brought home to them. But this is a far different matter from going out upon the public platform and denouncing 'the Jews' as the war-makers. No man can do that without incurring the guilt of religious and racial intolerance and that character is poison in a community like ours."[22]

On June 25, 1941, Hitler broke his non-agression pact with Stalin and invaded the Soviet Union, and Communist parties all over the world changed

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their position on the war. Whereas before they had opposed U.S. intervention, which they denounced as "imperialist," now they were all in favor of it. It was now a war for "democracy," a "people's anti-fascist struggle," and suddenly the American Communist Party and its fellow travelers were the biggest patriots around. Hours after Hitler's invasion of the Soviet Union, the pro-war elements of the Left in this country were agitating for aid to Stalin. In a radio talk, Flynn pointed out that both Hitler and Stalin were enemies of the American system. He did not want "to spill the blood of one American boy to make the world safe for either" Hitler or Stalin. Why, he asked, should we bleed ourselves "white with taxation," "disrupt our whole economic system," and "plunge ourselves into bankruptcy" to fight in a war "whose peace terms will have to satisfy Communist Russia." Flynn believed that from that time on Roosevelt's interventionist foreign policy would mean kowtowing to Stalin—a prediction tragically fulfilled at Yalta.[23]

By the fall of 1941, the entry of the United States into the war seemed only a matter of time. Still, Flynn fought on. On September 11, Roosevelt ordered U.S. naval and air patrols to sweep all Axis warships from waters "vital" to America's national interest. Flynn appeared before the Senate Foreign Relations Committee, testifying against a proposal by Roosevelt that would allow armed merchant ships to enter combat zones. Oswald Garrison Villard and other opponents of Roosevelt's war provocations appeared as well, but to no avail; the proposal carried.

Unlike some in the AFC, who gave up even before Pearl Harbor, Flynn fought to keep the U.S. out of the war, right up until the very end. The AFC was dissolved after Pearl Harbor, but Flynn continued to speak out against the war hysteria. He published *The Smear Terror,* an attack on the virulent hate campaign that equated all opposition to the war as Nazi-inspired, and *The Truth About Pearl Harbor* and *The Final Secret of Pearl Harbor,* the earliest "revisionist" histories of that fateful incident.[24]

III. The Transformation

The entry of the United States into World War II completed the transformation of Flynn from a disenchanted liberal to a proto-libertarian advocate of *laissez faire* and non-interventionism. As Murray Rothbard points out:

> [T]he drive of the New Deal toward war once again reshuffled the ideological spectrum and the meaning of Left and Right in American politics. The left and liberal opponents of war were hounded out of the

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> media and journals of opinion by their erstwhile allies, and condemned as reactionaries and Neanderthals. These men . . . found themselves forced into a new alliance with *laissez faire* Republicans from the Middle West. Damned everywhere as "ultra-conservatives" and "extreme Rightists," many of these allies found themselves moving "rightward" ideologically as well, moving toward the *laissez faire* liberalism of the only mass base open to them. In many ways, their move rightward was a self-fulfilling prophecy by the Left. Thus, under the hammer blows of the Left-liberal Establishment, the old progressive isolationists moved *laissez-faire*-ward as well. It was under this pressure that the forging of the "Old Right" was completed.[25]

Flynn's final and definitive shift from left to right was completed with the writing of his greatest work, *As We Go Marching*,[26] which is, today, sadly out of print. In this work Flynn stepped back and tried to see the trends he had been fighting—militarism, centralism, leader worship—as the interlocking components of a system. The growth of a huge bureaucratic appartus, the partnership of government and business, social welfare schemes, huge public debts, and the need to resolve economic problems by creating a permanent war economy—all of these phenomena had become dominant first in Italy, then in Germany, and then in the U.S. under the New Deal. The theme of the book is that while the U.S. was fighting fascism in Europe, the seeds of that doctrine had already been planted at home; the war itself would accelerate their growth.

In Italy, Germany, and the U.S., the pattern was frighteningly similar. All three societies were modeled on the four basic principles of the new managerialist order: (1) the institution of planned consumption, or the spending-borrowing government; (2) the planned economy; (3) militarism as an economic institution; and (4) imperialism as the handmaiden of militarism. New Deal programs like the National Recovery Administration resembled the corporative structure of the Italian fascist state, with its great guilds organized along industry-wide lines; the economic arrangements of Hitler's Germany were similar. Flynn's great contribution in this book was to illustrate the relationship between the elements of the welfare-warfare state. To garner political support from the Right for deficit spending, public works boondoggles, and cradle-to-grave social security, the Left had turned to militarism. With peacetime conscription to soak up idle labor, there would be a permanent war economy. America's war against fascism may be won on the battlefield—and lost on the home front. For "[t]he test of fascism," Flynn wrote, "is not one's rage against the Italian and German

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war lords. The test is—how many of the essential principles of fascism do you accept . . .?''

American fascism would not have the gaudy trappings of its European cousins, but would take a more familiar form, ''Fascism will come,'' said Flynn,

> at the hands of perfectly authentic Americans . . . who are convinced that the present economic system is washed up . . . and who wish to commit this country to the rule of the bureaucratic state; interfering in the affairs of the states and cities; taking part in the management of industry and finance and agriculture; assuming the role of great national banker and investor, borrowing billions every year and spending them on all sorts of projects through which such a government can paralyze opposition and command public support; marshalling great armies and navies at crushing costs to support the industry of war and preparation for war which will become our greatest industry; and adding to all this the most romantic adventures in global planning, regeneration, and domination, all to be done under the authority of a powerfully centralized government in which the executive will hold in effect all the powers, with Congress reduced to the role of a debating society. This is your fascist.[27]

The theme of *As We Go Marching* is nearly identical to that of James Burnham's *The Managerial Revolution*: A new ruling class—call them managers or Brain Trusters or whatever—is seizing power all over the world. From country to country this new ruling class utilizes similar devices in order to keep and gain power: The bureaucratization of the economy, militarism, and the rise of the centralized state appartus. These are the dominant factors in modern society.

Burnham is cited in *As We Go Marching*, and the similarity between the two books is obvious. But there is one vital difference: while Burnham celebrated the rise of the new elite, Flynn was doing his best to prevent it. In Flynn and Burnham, then, we can begin to see how the two rival camps of contemporary conservatism began to diverge and eventually split.

IV. A Man of the Right

After 1945 Flynn made a formal move into right-wing circles. Working with the National Economic Council, the Committee for Constitutional Government, and America's Future, Inc., he moved into the realm of radio commentary, and had both daily and weekly syndicated programs. Flynn used

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this platform to carry on the fight against statism and globalism, attacking the developing Cold War and warning that, while the First World War had prepared the way for the Second, and the Second had put the U.S. on the road to collectivism, World War III would make the "Constitution and our traditional free life" a relic of the past. It was not necessary to launch a war to annihilate the Communists; rather "the course of wisdom for the American people would be to sit tight and put their faith in the immutable laws of human nature." We must "make an end of the cold war," he said, and Communism would crash on the rocks of its own inner contradictions.[28]

Flynn staunchly opposed the United Nations "police action" in Korea, declaring that the same State Department that had handed China over to the "agrarian reformers" of the Chinese Communist Party was now leading the U.S. into an unwinnable land war in Asia. In Flynn's view, the Korean war was yet another excuse for a power grab by the executive branch, another rationale for spending billions in borrowed money that would flood the country and induce a false prosperity based on debt.

Flynn had foreseen the coming of the Cold War as early as 1944, in *As We Go Marching*. What is truly remarkable is that in 1950 he clearly foresaw the Vietnam War. In his weekly radio address of July 30, he observed that Korea was not the only Asian hotspot likely to involve the United States. Vietnam, he explained to his listeners, had been in the middle of a rebellion against French colonialism. Truman had promised to aid the French, and, he noted with some disquiet, "an American military mission is . . . on its way to that country." In asking "Who is next on Stalin's list?" Flynn's answer was that either Indochina or Malay could be the new Korea. He warned his audience that "[i]f we are preparing to make war to save Asia from dictatorships we will waste every dollar, every pound of steel and every precious life that is snuffed out in that foolish adventure."[29]

Throughout the 1950s Flynn sounded the alarm about the growing scope of U.S. intervention in Indochina. It was, he thought, only a matter of time before "the United States may have to make a decision as to whether or not it will get into another Asiatic war," probably in Vietnam, he said on January 15, 1952. To be put in the position of defending French imperialism from the Communist-led Vietminh would be an unmitigated disaster for the United States. "Indochina is not part of the free world," he said. "It is a captive country. The captors are the French."[30]

Flynn was a major force on the American Right during the 1950s, through his radio broadcasts as well as his books *The Road Ahead, The Roosevelt*

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Myth, While You Slept, The Lattimore Story, and others. A staunch defender of Joe McCarthy, he saw the crusade of "Tail Gunner Joe" as a way to hit back at the pro-war liberals who had made his life a hell during the Roosevelt years. In his thoughtful and informative study of Flynn,[31] Ronald Radosh attributes Flynn's defense of McCarthy to personal bitterness that distorted his political judgment. "Thinking perhaps of his own career," Radosh writes,

> and the agony he had suffered at the hands of liberals, Flynn saw triumph for McCarthy as validating his own lifelong fight. He himself, Flynn told [Senator Karl] Mundt, had had his "share on a scale equal to almost anyone's"; it had been easier to "liquidate writers than politicians." Flynn embraced McCarthy as the liberals' major foe, and in so doing, he turned against his libertarian beliefs.[32]

Radosh's idea of a "libertarian belief" in this matter is questionable. He shows nothing but disdain for Flynn's argument that McCarthy was not "investigating any man's right to be a Communist," just "whether Communists ought to be employed in the American army, the American State Department, the radar installations, atomic energy laboratories, and other government departments."[33] But nowhere does Radosh address this vital point, except to say that

> [h]is argument implied that belief in communism was automatically equatable with commitment to acts of treason, and that therefore an individual could be deprived of employment in government jobs because of his beliefs. McCarthyism, of course, affected many more individuals, depriving them of employment in private areas and occupations. Flynn had nothing to say about their plight. He did not ask whether it was valuable to have the right to be a Communist if it meant losing one's job.[34]

Leaving aside for the moment the question of whether Communist ideology would have permitted a Party member from serving the interests of a nation other than the U.S.S.R., there is nothing "libertarian" about the idea that Communists have a "right" to private sector jobs. There is nothing in libertarianism, properly understood, to prevent any employer from immediately firing one of the comrades just as soon as his or her Party membership is exposed to the light of day. The conditions of liberty are fulfilled just as long as one has the right to speak out on any subject, to

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espouse any political belief, no matter how irrational or repulsive; but there is no corollary to this principle that insists on making the exercise of this right profitable or even painless

McCarthy's appeal to Flynn and other Old Right stalwarts was his value as a battering ram against the liberal establishment. While it may be true that McCarthyism provided a context and rationale for the Cold War, on the other hand it turned the main thrust of the search for new enemies inward, rather than outward; toward Washington, D.C., rather than Europe or Asia. While Flynn's defense of McCarthy may do violence to the delicate sensibilities of New Deal liberals like Radosh, who would rather not entertain the thought that the Roosevelt administration was honeycombed with Communists and fellow travelers, it is hardly the case that Flynn "turned against his libertarian beliefs" in championing the cause of Tail Gunner Joe.

V. Flynn's Legacy

While Flynn's defense of McCarthy was not an unprincipled stand, it proved to be a tactical error: The McCarthy crusade had temporarily blurred the newly emerging distinctions between Old Right and New Right. But as the 1950s wore on, Flynn was considered increasingly out of the conservative mainstream. The downfall of McCarthy when he took on the Army, and the diversion of anti-Communism to targets abroad, changed the political landscape. Once again, Flynn found himself back where he had been during the days of the Popular Front: an outsider railing against an overwhelmingly powerful Establishment. When the *National Review* was founded, editor William F. Buckley Jr. solicited from Flynn a review of Arthur Larson's *A Republican Looks at his Party.* But when Flynn submitted a piece attacking militarism as "a job-making boondoggle" and denouncing Eisenhower for prolonging the Cold War, Buckley rejected the article. He sent $100 along with the rejection letter, stating that Flynn failed to appreciate the "objective threat of the Soviet Union," which, he maintained, poses "a threat to the freedom of each and every one of us." Flynn returned the $100, and in a note to Buckley said that he was "greatly obligated" to him for "the little lecture."[35]

Although Buckley apologized for his incredible arrogance the next day, and tried to flatter Flynn by calling him "a mentor in whose writings I never cease to delight and from whose courage I draw strength," it was clear that there was no room for Flynn in the New Right of Bill Buckley and James

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Burnham. The old warrior Flynn, who had fought against statism and globalism all of his life, was not about to be taken in by the new brand of globalism pushed by Buckley and his fellow Cold Warriors. Communism, Flynn realized, was an *idea.* The threat was not military, but ideological. The main danger was not to be found in Moscow, or Korea, or Vietnam, but home.

Flynn ended his public career in 1960, at the age of seventy-nine; his health was failing and he retired from journalism. He died in 1964, as Buckley and his followers were eradicating the last remnants of the Old Right, his work largely forgotten. That he died isolated from the Right as well as the Left, his books neglected, his legacy largely unknown, is due to the fact that the history of any conflict, both military and ideological, is written by the victors. Neither the Buckleyite conservatives, who thought World War III had already begun, nor the globalist liberals who idolized Roosevelt and hailed the rise of empire, had any use for Flynn.

As the Cold War draws to a close, Flynn's essential insight—that the threat to America is not to be found in any foreign capitol, but in Washington, D.C.—takes on new immediacy. His analysis of the structure of the welfare–warfare state as a system based on centralized government control of the economy and a permanent war economy is vital to understanding where we are today, how we got there—and how we can get out. Along with Garet Garrett, Flynn is the great prototype of today's paleoconservatives and paleolibertarians, an exemplar of the Old Right whose life and work represents the best of a long and proud tradition.

Notes

1. For an in-depth analysis of the sudden switch in political polarity, see James J. Martin's neglected masterpiece, *American Liberalism and World Politics,* 2 vols. (New York: Devin-Adair, 1964).
2. I am indebted to Ronald Radosh's *Prophets on the Right: Profiles of Conservative Critics of American Globalism* (New York: Free Life Editions, 1975), especially the chapters "John T. Flynn and the Coming of World War II" and "John T. Flynn and the Cold War," for much of the factual information presented here. Readers of both pieces will see where we diverge in our interpretation of those facts.
3. John T. Flynn, *Investment Trusts Gone Wrong!* (New York: New Republic, 1930); idem, *Graft in Business* (New York: Vanguard Press, 1931); idem, *God's Gold* (New York: Harcourt, Brace & Co., 1932).
4. John T. Flynn, *Country Squire in the White House* (New York: Doubleday, 1940).
5. *Ibid.*, p. 83.

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6. *Ibid.*, p. 102.
7. *Ibid.*, p. 107.
8. *Ibid.*, p. 113.
9. Cited in Radosh, *Prophets on the Right*, pp. 204–05.
10. Garet Garrett, *Ex America* (Caldwell, Idaho: Caxton Printers, 1951), p. 17.
11. "Recovery Through War Scares," *New Republic*, November 2, 1938.
12. Quoted in *American Liberalism and World Politics*, vol. 2, p. 759.
13. *Ibid.*
14. *Ibid.*, p. 766.
15. Quoted in Radosh, *Prophets on the Right*, p. 212.
16. Quoted in *ibid.*, p. 213.
17. *New Republic*, July 22, 1940; cited in Radosh, *Prophets on the Right*, p. 213.
18. *New Republic*, September 9, 1940; cited in Radosh, *Prophets on the Right*, pp. 214–15.
19. Martin, *American Liberalism and World Politics*, vol. 2, p. 777.
20. John Roy Carlson, *Under Cover* (New York: Dutton, 1943); idem, *The Plotters* (New York: Dutton, 1946); John T. Flynn, *The Smear Terror* (New York: privately published, 1947).
21. *New York Times*, May 24, 1941; cited in Radosh, *Prophets on the Right*, p. 221.
22. Flynn to Lindberg, Sept. 15, 1941; cited in Radosh, *Prophets on the Right*, pp. 223–24.
23. Quoted in *ibid.*, p. 225.
24. John T. Flynn, *The Smear Terror*, op. cit.; idem, *The Truth About Pearl Harbor* (New York: privately published, 1944); idem, *The Final Secret of Pearl Harbor* (New York: privately published, 1945).
25. Murray N. Rothbard, "The Betrayal of the American Right," unpublished MS., p. 49.
26. John T. Flynn, *As We Go Marching* (New York: Doubleday, 1944).
27. *Ibid.*, pp. 252–53.
28. Quoted in Radosh, *Prophets on the Right*, p. 251.
29. *Ibid.*, pp. 253–54.
30. *Ibid.*, p. 256.
31. *Ibid.*, pp. 197–273.
32. *Ibid.*, p. 269.
33. Flynn radio script, May 16, 1954, quoted in *ibid.*, p. 266.
34. *Ibid.*, p. 267.
35. See *ibid.*, pp. 272–73.

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The Sovereign State At Bay

by Paul Gottfried*

Among serious readers of his work, Carl Schmitt (1888–1985) is known as an analyst of the European sovereign state. From the 1920s on he wrote extensively on this entity, examining the historical context that gave rise to it and the legal arrangements it incorporated. He viewed the sovereign state as a legacy threatened by the emergence of new historical configurations. From various revolutionary ideologies and the tyranny of values to the breakdown of international order and the technological obsoleteness of military engagements of the kind that had taken place in earlier centuries on the continental European chessboard, the sovereign state, Schmitt believed, was now under seige. As an interpreter of the *jus publicum Europaeum,* the European legal and territorial order born in the early modern period, Schmitt plotted the rise and decline of a Eurocentric political life. In *Nomos der Erde im Völkerrecht des Jus Publicum Europaeum,* published in 1950 but begun during World War II, he both traces the legal background of the European sovereign state and points to the challenges to its survival. Though it can be argued that Schmitt performs this task clinically, it would not be justified to see him as an entirely detached spectator. In remarks on Ernst Jünger in 1955, Schmitt characterized himself as someone helping to check the final collapse of the European state system. Like the medieval Holy Roman Emperor, who was seen to preserve the last of the empires predicted in the Book of Daniel, Schmitt viewed himself as the *katexon tēs apokalupseos,* the one who thrusts himself between the present age and the Apocalypse.[1]

It is important to note this self-image, for it seems to me highly questionable that Schmitt looked upon the system of European sovereign states, particularly those with internal cultural cohesion as well as limited geopolitical interests, as an expendable political arrangement. He did not consider the European sovereign state as one among other satisfying organizational

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forms. Rather he elevated it to a historical godsend the weakening of which, he thought, had already unleashed apocalyptic crises.

In the essay "Enemy or Foe," George Schwab puts into relief the uniqueness of the sovereign state, monopolizing internal force, maintaining public order, and restricting by ritualizing international hostilities.[2] Such institutions, Schwab shows by building on Schmitt's argument, emerged only after millennia of intensely antagonistic political life. Throughout this period prescribed slaughters, in the forms of *milchemes mitzvos, polemoi tōn ethnōn,* and crusades against infidels, punctuated international relations. Only among European sovereign states did the "concept of the foe" go temporarily into eclipse; only there, in the aftermath of the age of confessional wars, did the resort to arms become limited to the pursuit of fixed geopolitical ends, carried out among professional armies and subject to diplomatic resolutions.[3] Schwab ends this Schmittian overview of the evolution and legal foundations of modern European statecraft by evoking the "return of the foe." Having one limited political antagonism to formal state enemies, it would now be reckless, according to Schwab, to allow militant ideology back into international affairs.[4]

Schwab is a relative optimist who hopes to restrain the Apocalypse by thwarting Communists and Moslem extremists. Unfortunately by now the return of the foe may have become so pervasive that international struggles often go forward under the banner of militant ideology. Thus the opponents of the Moslem jihad, whether Michael Ledeen in the *American Spectator,* David Ignatius in the *Washington Post,* or Abe Rosenthal in the *New York Times,* insisted in 1991 that we oppose Iraqi expansionists as global democratic revolutionaries. These and other journalists believed that we Americans were morally remiss to punish an aggressor without then imposing on his subjects our democratic way of life. We were exhorted to perform this task for our Saudi Arabian and Kuwaiti allies, as well as for our Iraqi adversaries. According to Ignatius, a *Washington Post* editor, "sometimes war is a catalyst for necessary change. The global democratic revolution had, until now, been mostly bloodless. It would be typical for the Arab world to be an exception in this regard, too." Ignatius, by the way, is advocating here that the U.S. "push democracy" on its "traditional friends" rather than prop up Middle Eastern monarchies. Indeed, we should welcome the Gulf crisis as an opportunity to spread our own revolution.[5] Apparently in line with this project, President Bush conjured up a "new world waiting to be born" in an address before the United Nations, in the

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fall of 1990.[6] But the Gulf War that took place in the winter of 1990 favored a different result. The speed and technical proficiency with which the U.S. and its allies struck against Iraq worked against the ideological fury that might have accompanied a more costly commitment of human lives and national morale. British Prime Minister John Major, for example, made clear that his own country was concerned only with the military threat posed by Saddam Hussein. He and his countrymen did not seek to push their own political solutions on the Iraqi people. In the end George Will and other journalists who looked forward to the creation of Kuwaiti and Iraqi democracy got much less than they had demanded: Saddam Hussein was driven from Kuwait but allowed to go on ruling Iraq. It may even be argued that more could have been achieved by advocates of the war if the rhetoric of a new world order and of global reconstruction had been left out of the call for intervention entirely. The debate, much of it carried on by journalists, descended rapidly into one between democratic globalists and their critics.

The same terms of debate can now be perceived as shaping other foreign policy discussions. Note the prescriptions found in nationally respected newspapers for dealing with recent events in Eastern Europe. Almost daily we are told that the region in question has an unpleasant past. Ethnic conflict has been a persistent aspect of Eastern European and East Central European politics for centuries. Moreover, the disintegration of the Soviet empire has permitted the surfacing of obnoxious and sometimes explosive hostilities, as witnessed by Romanian animus against Hungarians, Serbian slaughter of Croatians, and Russian murmurings against "Jewish Bolshevism." The prejudices revealed are certainly real; and the juxtaposing of Russians and Balts in the Baltic region, Jews and non-Jews in Russia, Serbs and other South Slavs in Yugoslavia, and Hungarians and Romanians in Transylvania is still producing that intense conflict that Schmitt defined as the "essence of the political."

Over against these omens, however, it is possible to observe a new stability in East Central Europe. A unified Germany, Czechoslovakia, Poland, and Hungary are living at peace; Germans and Poles are now enjoying far better relations than at any previous time in the last hundred years. Elections in Hungary, Czechoslovakia, Germany, and the Baltic states have either brought to or left in power moderate right-of-center governments; and though some of his rhetorical assertions as a presidential candidate were inconsistent, Lech Walesa has certainly not threatened international peace nor engaged in anti-Semitic acts as the new Polish president.

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Despite these causes for relative optimism, American journalists and foreign policy consultants have been frenetically pushing the American government toward massive intervention in Eastern Europe. The recommendations range from building closer connections with fledgling democracies to warding off resurgent monarchist, authoritarian, and anti-Semitic tendencies among the indigenous populations. David K. Shipler in the *New Yorker* laments growing Hungarian support for Otto von Habsburg,[7] while Flora Lewis of the *New York Times* is disturbed by the rising cult of Jozef Pilsudski in present-day Poland.[8] Both warnings betray a ludicrous ignorance of history. Far from being anti-Semites or fascists, Otto von Habsburg and Marshall Pilsudski were outspoken anti-Nazis whom their enemies ridiculed for their large Jewish followings.

In *Foreign Affairs,* Union College professor Charles Gati exhorts our government to pursue "aggressively" the transformation of East Central Europe into a denationalized region. Gati stresses the divisive nationalism and right-wing or simply inept politics of East Central Europeans in making his case for American intervention. Anti-Semitism, neglect of human rights, and economic crises are seen as dangerous problems among those Europeans who are now moving away from Soviet control. Americans are urged to respond to these conditions by applying diplomatic, economic, and other necessary pressures on behalf of our democratic ideals.[9] Like other such calls for intervention, Gati's brief suffers from a certain degree of vagueness. Though he refers to the "nostalgia" for interwar authoritarian figures in East Central Europe, most of whom are presumed to be anti-Semitic and generally xenophobic, he never specifies how widespread these tendencies are. He properly notes that some of the nostalgia described has less to do with hating others than reclaiming a pre-Communist national past.[10]

Allow me to suggest what seem to be the two driving concerns behind Gati's prescriptions and those of other more passionate advocates of American control of Eastern Europe. One of these concerns was justified in the past but now seems less relevant; the other, by contrast, may be entirely indefensible. The understandable concern is over anti-Jewish prejudice in Central and Eastern Europe. Such a prejudice has indeed operated disastrously among Russians, Ukrainians, and Romanians, and reached its most brutal expression under Nazism, albeit in a Central European country with less overt anti-Semitism than existed in most of Eastern Europe. But, equally noteworthy, *not* all Eastern and Central Europeans have been perpectually anti-Semitic. Czechs, Estonians, Bulgars, Serbs, and Slovenes, for example, have no real history of anti-Semitism, while Hungarians, Latvians,

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Croats, Lithuanians, and Poles, as Gati points out, became oppressively anti-Semitic only during the twentieth century.[11]

The participation of a disproportionately large number of Jews in post-war Stalinist dictatorships did not improve Eastern European interfaith relations; nonetheless, Jews also came to play noticeable roles in resisting Soviet tyranny. In Hungary, Poland, and Czechoslovakia, activists of Jewish extraction contributed to the recently won battles there for national independence. Some of these recognizably Jewish activists, like Adam Michnik in Poland and Miklos Haraszti in Hungary, have since stepped forth as spokesmen for the non-Communist Left or Left-Center. Their more conservative countrymen have rejected them in favor of right-of-center candidates. American journalists, disappointed with these outcomes, are now hurling the charge of anti-Semitism at the offending electorates. Though anti-Semitic utterances, and statements that can be thus interpreted, did emanate from at least some Polish and Hungarian voters last year, political candidates have refrained from them—while usually condemning anti-Semitism. The charges of anti-Jewish prejudice came inappropriately from journalists after the victory of Joszef Antall as Prime Minister of Hungary in April, 1990. The Hungarian prime minister comes from a family distinguished by public service and by its classical liberal leanings. His father had been honored by the Israelis for denouncing Nazi collaborators in Hungary and for saving Jewish lives during World War II. The younger Antall himself has Jewish advisors, and no record of any kind as an anti-Semite. His one unpardonable crime appears to be preventing those to his left from winning the Hungarian prime ministership.[12]

The truth is that anti-Semitism has not become a popular theme for the new governments in Eastern and East Central Europe. From the Ukraine to East Germany one finds generally responsible leaders of a least the same caliber as their Western counterparts. Do Antall, Vytautas Landsbergis, and Václav Havel need to import American teachers' unions or the AFL-CIO, as Ben Wattenberg and the National Endowment for Democracy contend, in order to become proper democrats?[13] One journalist has even stressed America's "obligation" to root out racism in a unified Germany. She traces those snubs she encountered there to a Teutonic "pathology," which all of us are asked to address.[14]

Such remarks indicate what is really back of the interventionist impulse in regard to Eastern Europe. Carl Schmitt called it the "tyranny of values," something that he regarded as a threat to the very concept and survival of sovereign states. According to Schmitt, value advocates seek to impose their

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moral preferences in societies cut loose from established ethical traditions. They thereby unleash "a war of all against all . . . in comparison to which the murderous state of nature in the political thought of Thomas Hobbes is truly a pastoral scene."[15] The individual who posits a value "by exercising his full subjective freedom of decision" imagines that he is opposing "the absolute value neutrality of scientific positivism."[16] In fact he is fashioning "new weapons of annihilation," while claiming to restore morality. At a time when traditional moral consensus is eroding, the value asserter insists that his own truth depends on the effectiveness of its champion in making his will supreme against other values. Such a struggle, notes Schmitt, evokes strong and divisive passions; for its participants can legitimate their stands only by inflicting them upon unwilling subjects.

Schmitt's critique of values, which was even further developed by his disciple Reinhard Koselleck, applies to the present talk about America's mission in Eastern Europe. Even in its most nuanced form, as presented by Charles Gati, this call for missionizing involves the imposition by Western journalists and educators of their own values on others. Gati states that East Central Europe will not likely become a geopolitical threat to the U.S.; he nonetheless wishes to create an American cultural mission, if necessary by coercion, to instill human rights and democracy. Presumably the U.S. should view other sovereign states, even those that have done us no harm, as mere obstacles to the advance of our universal moral agenda. This agenda will consist of "human rights," though it is far from clear what value is to be paramount in the projected crusade. Gati calls for denationalized democracy in East Central Europe, whereas Stephanie Griffith prescribes a color-blind society for Germany, which is still to be kept on probation for past racial crimes.

The quarrel here is not with terrorist regimes like Syria or aggressive ones like Nazi Germany, but simply with those that do not pay us the flattery of imitation. We are urged to respond to that situation by occupying such countries with American educators and "advisors." The alternative, we are told, is to be "immoral" about international relations; i.e., to allow others to go their way without forcing them to be more like us.

For those who are progressive Schmittians, it is customary to link the waning of sovereign territorial states to the emergence of a new global order. This phase of Schmitt's work merits attention here, for it would certainly be a mistake to read a "new world waiting to be born" into his thoughts about possible international orders beyond the sovereign state. In fact

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Schmitt's comments about this topic reveal ultimately the kind of pessimism that leads into his works on the tyranny of values and on partisan wars. From the late 1930s on, Schmitt does explore the legal and political ramifications of such a hypothetical order. In his comments on the subject, he goes from discussing the weakening of the *jus publicum Europaeum* to speculation about territorial spheres of control among world powers. At least for me these observations are problematic for two reasons. Those made during the Nazi period—for example, in "Grossraum gegen Universalismus" (1939) and *Völkerrechtliche Grossraumordnung* (1940)—have an inescapably apologetic tone, and though not entirely defenses of the Third Reich, are intended to challenge Anglo-American opponents of German expansion. It would also be fair to say that much of what Schmitt wrote on American domination of the Western hemisphere is full of distorting malice. In essays like "Grossraum gegen Universalismus" and "Beschleuniger wider Willen oder: Problematik der westlichen Hemisphäre" (1942), American control of the Western hemisphere is certainly not held up as a sound exemplification of the new territorial order. Rather the American empire is made to embody "liberal capitalist gangsterism" and a "universalist ubiquity" that had begun to suffocate emerging peoples.[17]

There are, still and all, the beginnings of a conceptual framework for the *Grossraumordnung* that can be extracted from Schmitt's writings of the 1930s. In *Positionen und Begriffe* (1940), he included an essay on the distinctions among an empire, a state, and a federation. While the empire and sovereign state were presumed to be structurally incompatible, regional federations marked by some degree of homogeneity were said to be less destructive of human diversity. Empires aimed at universality at the expense of historical particularity, whereas federated territorial blocs might permit cultural and institutional differences to persist internally and in their dealings with each other.[18] Equally significant, in *Völkerrechtliche Grossraumordnung* Schmitt praises the Monroe Doctrine as a usable territorial concept. The early American government set out to render the Western hemisphere impermeable to European political and economic influence. It did not, however, seek to imperialize Europe, an act which, according to Schmitt, Americans undertook only when Woodrow Wilson declared war on Germany, thereby becoming an accomplice to "the global imperialism of the British Empire."[19]

Here, too, however, the argument suffers from German defensiveness. America is accused of moving toward imperialism precisely at the outset

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of its war against Germany. Why not during the Boxer Rebellion, the Spanish American War, or the Conquest of the Philippines? Were these not global imperialist acts—perhaps even more explicitly so than Wilson's declaration of war which, however deviously brought about, was not entirely unprovoked? Nor is Schmitt really consistent in defending the American hemispheric bloc before 1917. He identifies the *pax Americana* in the New World with the rapine of Dollar Diplomacy and appears to praise nothing in the Monroe Doctrine other than its original design.[20]

There is an instructive treatment of *Grossräume* in *Nomos der Erde* which is comparatively free of anti-American animus and without attacks on the critics of German and Japanese expansion. But here too one must be cautious about fathering upon Schmitt too many millennarian hopes. *Nomos der Erde* deals predominantly with the rise, operation, and decline of the *jus publicum Europaeum.* Though it contains references to global spheres, almost everything said on that score suggests that a new territorial order has still not arrived. Contemporary warfare and political moralizing have led us back to the essentially medieval notion: "*Tantum licet in bello justo.*"[21] The very attempt to discriminate between merely threatening and reprehensible enemies, together with the possibility of naval blockades and aerial combats, has complicated the international situation. And, to make matters even worse, Schmitt notes, struggles have grown all-encompassing, erasing distinctions between warring and non-warring states as well as between civilians and soldiers.[22]

Such a quandry demands a solution, but it is unclear in *Nomos der Erde* whether the author believes he is on to one. In his two essays "The Unity of the World," published in 1951 and 1952, Schmitt raises the hope that American and Soviet globalism may be held in check by a "third force," whether from Europe, India, China, or the Arab world.[23] There as well as in *The Concept of the Political* in 1927, Schmitt concerns himself with a political pluriverse and treats a politically homogenized universe as a mere utopia. But does such a concern amount to an *argument* that a new pluriverse has begun to form over the ruins of the European order? I think not and will risk giving offense by saying more: The evasiveness shown by some scholars in presenting Schmitt's *Grossraum* conception betrays the paucity and only limited usefulness of their documents. Thus Jean-Louis Feuerbach in "La Théorie du Grossraum chez Carl Schmitt" concludes his remarks on Schmitt's conception of global spheres with a warning to Europeans to remain unified against the American colossus. Reprising his subject's anti-American invectives, Feuerbach stresses the danger to Europe resulting from

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an American "marché mondial auto-régulé par les principes marchands démocratico-libéraux d'essence occidentale."[24]

Feuerbach writes as a spokesman of the European New Right, grinding a Eurocentric and anti-American ax. Significantly, he was the scholar invited to lecture on *Grossräume* in 1986, at the first West German conference devoted to Schmitt; his lecture appeared subsequently in the anthology of the conference papers, *Complexio Oppositorium: Über Carl Schmitt.* Feuerbach's appeal to Schmitt in his own analysis of *Grossräume* is far from dispassionate, but the views he expresses are by no means exclusively his own. Feuerbach's bias belongs also to Günter Maschke and to other New Right organizers of the conference. And Schmitt himself held the same European suspision of American power in the 1950s, as even a cursory reading of "The Unity of the World" should make apparent. A pervasive Eurocentric and anti-American bias explains the references in both essays to the two superpowers; both are seen to be threatening European cultural and political life and are therefore characterized as materialistic and expansionist. In any case, Schmitt's conception of *Grossräume* has been dredged up not for its comprehensive, analytic character, but as a pedigree for an anti-American Eurocentric politics.

In the introductory note to the *Telos* issue on Carl Schmitt in 1987, Paul Piccone and Gary Ulmen chide Schmitt, however gently, for lacking vision of a political world beyond the sovereign state: "If for Adorno progress went from Adam and Eve to the atom bomb, for Schmitt it threatens to terminate in a world police state to be opposed at all costs."[25] Piccone and Ulmen are correct in not reading too much into the view of the new world order ascribed to Schmitt. The presenting of his bitter Eurocentric utterances as the scaffolding of a *Grossraum* conception may involve the mistake of bestowing too much analytical value on personal wishes. It is mere hope that animates Schmitt's statements in "The Unity of the World" that the cosmic bipolarity of the early 1950s will give way to a tripartite and eventually pluralistic world order. Only odd numbers, Schmitt observes wistfully, can "create an equilibrium" and "render peace possible."[26] But such a hope, even one reinforced by a distaste for American "technicism," is not the same as a systematic analysis of the new order desired. In a despairing comment on post-war Europe in 1978, Schmitt complained that Europeans could only conceive of their own unity as a first step toward planetary unification. Schmitt rightly associated such a prospect with a world police state under a different name.[27]

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To me there is nothing disparaging about the recognition of Schmitt as someone who considered political life beyond the sovereign state while remaining pessimistic about it. His pessimism can be defended, and his observations about life in the absence of the European order are still worth pondering. Pan-interventionism, ideological struggles, and the exposure of the internal mechanism of states to feuding social and cultural groups have all accompanied the breakdown of the *jus publicum Europaeum,* as Schmitt predicted.[28]

Schmitt's current detractors present him as someone who contributed to violence by characterizing human beings as "dangerous and dynamic." Pessimistic assessments of human nature are said to threaten the fabric of liberal and democratic societies; moreover, according to Bernard Edelmann and Stephen Holmes, Schmitt freed the state of all legal restraints on itself by identifying the political with friend–enemy distinctions.[29] There are two problems with this line of reasoning. First, it seeks to squelch debate as a precondition for maintaining an open society. This position is riddled with contradiction, though as I try to demonstrate in the closing section of my monograph on Schmitt, "pluralistic democracy" has now been defined to make allowance for such contradiction. Second, a non-tendentious reading of *The Concept of the Political* reveals that Schmitt was defending the sovereign state for taming bellicose energies. Without that institutional restraint, he believed in all probability until the end of his life, we return to the "ever-present possibility of conflict," the triumph of multiple friend–enemy groupings over divided states.[30]

This was, for Schmitt, the probable future of the West, as sketched in "The Tyranny of Values" in 1959 and *The Theory of Partisans* in 1963. I see no compelling evidence that he profoundly or consistently believed that we could escape that future. The sovereign state, already at bay, could not forestall the battle being waged among intellectuals to impose their competing highest values. Some intellectuals were taking up arms against existing governments to force their values upon others. Western states were now increasingly powerless in the face of this process, for though their political leaders aspired to speak for "humanity" and "human rights," both they and their governments were no more than mere participants in the contest to establish and impose values.[31] Decrepit states had become prizes that rival factions fought to control and turn against each other. All of us could produce texts from Schmitt's work, particularly in the 1950s and 1960s, to flesh out the critical stance outlined above. He did not arrive at that stance while being optimistic about a new territorial order. He feared that the old one contained

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in the European order of things had broken down; and this situation was bringing about what George Schwab calls "the return of the foe" in the form of militant ideology. It was this concern, and not his passion for saber-rattling and ethnic purity as some critics suggest, that caused Schmitt to devote so much of his life to the legal basis and historic singularity of the European state system. Thus it may be best to underscore Schmitt's gloom as he portrayed the sovereign state under seige. And we should present his relevant contribution without attributing to him solutions and orders that he only hinted at sporadically, in certain speculative and uncharacteristically desperate moments.

Notes

1. See Schmitt on Ernst Jünger's "Der Gordische Knoten," in *Freundschaftliche Begegnungen. Festschrift für Ernst Jünger zum 60sten Geburtstag* (Frankfurt: Klostermann, 1995), pp. 135–67.
2. George Schwab, "Enemy oder Foe Der Konflikt der modernen Politik," in Hans Barion et al., eds., *Epirrhosis. Festgabe für Carl Schmitt,* vol. 2 (Berlin: Duncker & Humblot, 1968), pp. 665–82; or the later distillation of the same argument in Schwab's "Enemy or Foe: A Conflict of Modern Politics," *Telos* 72 (Summer 1987): 194–201.
3. The overshadowing role of hostility in the political life of the ancient, and even classical world can be seen in the works of Plato, Aristotle, Plutarch, and Thucydides. Plato's insistence in the *Republic,* Book V (469–70), that war is the natural state between Greeks and barbarians and his stress on the inescapable opposition between Greeks, even in an ideal polity, and the alien race (*genos allotrion*) obviously jar with certain comfortable images of Plato. Recall that the philosopher was a self-conscious Greek, and not the universalist percursor of the Enlightenment depicted by Edith Hamilton and Allan Bloom.

   The ancient moralist Plutarch celebrates the acts of the Roman and Tuscan armies decimating each other in the Aesuvian Meadow near Rome in 509 B.C. The commanders Marcus Brutus and Aruns, the son of Tarquin the Proud, driven by "hatred and anger (*hup exthous kai orgēs*)," attacked each other, and "clashing impetuously rather than with deliberation refused to spare themselves and died in combat against each other." Having evoked this "impressive preliminary encounter," Plutarch then notes that the ensuing "struggle could not have had a more fitting climax, but that the generals, after acting and enduring equally, were then separated by a winter wind." Though the Loeb translation (*Plutarch's Lives,* vol. 1, Publicola IX.2) renders the same passage "the battle which had such a dreadful beginning, ended no less disastrously," it is apparent that the phrase "*deinou genomenou tou proagōnos ouk esxen to agan telos epieikesteron*" conveys the author's profound awe rather than revulsion. This discrepancy between the text and the translation may be attributable to our own difficulty in grasping the honorable place assigned to hostility, expressed as

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military courage, in the ethics of Plutarch and of other ancient moralists. See Jean-Pierre Vernant, *Problèmes de la guerre en Grèce ancienne* (Paris: Ecoles des Hautes Etudes en Sciences Sociales, 1985), and Christian Meier, *The Greek Discovery of Politics* (Cambridge, Mass.: Harvard University Press, 1990). Meier in particular seems to be familiar with and sympathetic to Schmitt's *The Concept of the Political.*

4. See George Schwab, "Ideology: Reality or Rhetoric?" in his edited volume *Ideology and Foreign Policy: A Global Perspective* (New York: Irvington, 1981), pp. 143–57.
5. David Ignatius, "The Gulf Crisis and How to Get Out," *Washington Post,* August 26, 1990.
6. For a trenchant analysis of President Bush's rhetoric concerning the Gulf crisis, see Tom Bethell, "A New World Waiting to be Born," *American Spectator,* November 1990, pp. 11–13.
7. David K. Shipler, "Letter From Budapest," *New Yorker,* November 28, 1989, p. 74.
8. Flora Lewis, "Postcommunist Blues," *New York Times,* September 22, 1990.
9. Charles Gati, "East-Central Europe," *Foreign Affairs* (Winter 1990/91), pp. 144–45.
10. *Ibid.*, pp. 134–35.
11. *Ibid.*, pp. 135–36.
12. See the entry on Antall in *Current Biography* 51 (September 1990), p. 7; and "A Historic Decision: Joszef Antall is Set to be Hungary's New Leader," *McLean's,* April 23, 1990, p. 27.
13. See, for example, Ben Wattenberg, "Back to our Prime Mission," *Washington Times,* March 9, 1989, and Morton Kondracke, "The Democracy Gang," *New Republic,* November 6, 1989, p. 30.
14. Stephanie Griffith, "A New Germany, An Old Racism?" *Washington Post,* December 2, 1990.
15. Carl Schmitt, "Die Tyrannei der Werte," in Schmitt, Eberhard Jüngel, and Sepp Schelz, eds., *Die Tyrannei der Werte* (Hamburg: Lutherisches Verlagshaus, 1979), pp. 31–32.
16. *Ibid.*, p. 31.
17. Carl Schmitt, "Grossraum gegen Universalismus," in *Positionen und Begriffe im Kampfe mit Weimar-Genf-Versailles* (Hamburg: Hanseatische Verlagsanstalt, 1940), p. 296.
18. Carl Schmitt, "Völkerrechtliche Formen des modernen Imperialismus," in *ibid.*, pp. 162–64.
19. Carl Schmitt, *Völkerrechtliche Grossraumordnung,* fourth edition (Berlin, Leipzig, and Vienna: Deutscher Rechtsverlag, 1941), pp. 29–34.
20. *Ibid.*, pp. 21–22.
21. Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum,* second edition (Berlin: Duncker & Humblot, 1974), p. 299.
22. *Ibid.*, pp. 217–21 and 290–95.
23. Carl Schmitt, "Die Einheit der Welt," *Merkur* 6, no. 1 (January 1952), pp. 5–9; and also Schmitt's pamphlet *La unidad del mundo* (Madrid: Ateneo, 1951).
24. Jean-Louis Feuerbach, "La Théorie du Grossraum chez Carl Schmitt," in Helmut Quaritsch, ed., *Complexio Oppositorum. Über Carl Schmitt* (Berlin: Duncker & Humblot, 1988), p. 410.

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25. Paul Piccone and G.L. Ulmen, "Introduction to Carl Schmitt," *Telos* 72 (Summer 1987), p. 7; and in the same issue, G.L. Ulmen, "American Imperialism and International Law: Carl Schmitt on the U.S. in World Affairs," pp. 43–72.
26. Schmitt, "Die Einheit der Welt," pp. 6–7; idem, "Die Ordnung der Welt nach dem zweiten Weltkrieg Vortrag von 1962" *Eclectica* 19 (1990): pp. 11–28.
27. Carl Schmitt, "Die legale Weltrevolution," *Der Staat* 17 (1978), pp. 335–36.
28. Carl Schmitt, *Theorie der Partisanen. Zwischenbemerkung zum Begriff des Politischen*, second edition (Berlin: Duncker & Humblot, 1975), especially pp. 71–96; Schmitt, "Die Tyrannei der Werte," pp. 31–40; and my own *Carl Schmitt: Politics and Theory* (New York, Westport, and London: Greenwood, 1990), pp. 83–99 and 112–22.
29. See, for example, Bernard Edelman, "Une politique de la mort," *Le Monde*, November 25, 1988, p. 21; and Stephen Holmes's animadversions on recent English translations of Schmitt's work in the *New Republic*, August 22, 1988, pp. 33–36.
30. On the correlation between weak states and political savagery, see *The Concept of the Political*, translated and introduced by George Schwab (New Brunswick, N.J.: Rutgers University Press, 1976), pp. 70–73; Ernst Wolfgang Böckenförde's "Der Begriff des Politischen als Schlüssel zum staatsrechtlichen Werk Carl Schmitts," in *Complexio Oppositorum. Über Carl Schmitt*, pp. 283–300; and Pier Paolo Portinaro, *La crisi dello jus publicum Europaeum. Saggio su Carl Schmitt* (Milan: Comunita, 1983). Portinaro's work highlights Schmitt's difficulty in imagining even a minimally decent political life without the *jus publicum Europaeum*.
31. See "Die Tyrannei der Werte," pp. 38–40, and the preface to the Italian edition of *The Concept of the Political*, namely *Le Categorie del politico*, ed. G. Miglio and P. Schiera (Bologna: il Mulino, 1972).

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The Child Labor Amendment Debate of the 1920s; or, Catholics and Mugwumps and Farmers

by Bill Kauffman*

No fledgling feeds the father bird,
  No chicken feeds the hen—
No kitten mouses for the cat,
  This glory is for men.
We are the Wisest, Strongest Race—
  Loud may our praise be sung!
The only animal alive
  That lives upon its young.
—Charlotte Perkins Gilman[1]

Here you are, a Jeffersonian Democrat, the cardinal principle of which doctrine was the integrity of the states, urging me, a Hamiltonian Republican, to support a Constitutional amendment enabling the national government to deal with the children of the states. Strange times, these are. But I think I can encourage you to expect favorable action, as the women always get nowadays what they ask for.
—Senator William Borah (R-Idaho)
to a constituent, 1924[2]

* 257 Bank St., Batavia, NY 14020. This paper was written for a 1991 conference on "Liberty, the Family, and Home Production," sponsored by the Liberty Fund and the Rockford Institute.

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> [This is] a communistic effort to nationalize children, making them primarily responsible to the government instead of to their parents. It strikes at the home. It appears to be a definite positive plan to destroy the Republic and substitute a social democracy.
>
> —Clarence E. Martin
> President, American Bar Association[3]

> When the right of a father to govern his own family is taken away from him, God pity our Nation.
>
> —D.H. Petree
> Florida legislator[4]

I

The movement to regulate child labor began as a New England parlor revolt against industrialism, or at least its grimier, more noisome aspects. Gradually, however, well-intentioned reformers with modest goals gave way to socialists whose reconstructionist dreams included the interposition of the state between the parent and the child.

The "gaunt goblin army"[5] of teenaged workers was cashiered by a series of laws prohibiting employment and prescribing schooling. While the mission was ostensibly accomplished, the triumph was incomplete: The Child Labor Amendment to the Constitution was rejected. Thwarted were what Columbia University President Nicholas Murray Butler called "more far-reaching . . . changes in our family, social, economic, and political life than have heretofore been dreamed of by the most ardent revolutionary."[6]

II

Nascent American industries frequently employed families of the working class. Alexander Hamilton had remarked, in his "Report on Manufactures," that "children are rendered more useful . . . by manufacturing establishments than they would otherwise be."[7]

As the mill towns grew, so did the conviction of many genteel ladies that boys and girls ought to be scholars, not mill doffers. Ella Wheeler Wilcox keened:

> In this boasted land of freedom there are bonded baby slaves,
> And the busy world goes by and does not heed.
> They are driven to the mill, just to glut and overfill

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Bursting coffers of the mighty monarch, Greed.
When they perish we are told it is God's will,
Oh, the roaring of the mill, of the mill![8]

Contrasting views of child labor can be found in the novels of Horatio Alger and the Gilded Age fictions of a passel of New England women novelists. Alger did not neglect the vice and dirt that spattered the forlorn "Child of the Street," but his glasses were tinted roseate. Tatterdemalion boys full of pluck and guile acted out the Algerian philosophy that "in the boot-blacking business, as well as in higher avocations, the same rule prevails, that energy and industry are rewarded, and indolence suffers."[9] Labor neither ennobles nor degrades the poor boy; it is simply necessary to his advancement.[10]

There were no indomitable Ragged Dicks in Elizabeth Stuart Phelps's influential 1871 novel, *The Silent Partner.* Phelps's heroine, the righteous spinster Perley Kelso, is the daughter of a Massachusetts mill owner. Upon learning that "factory girls ate black molasses and had the cotton-cough," Perley undertakes the reformation of the Five Falls working class. Weekly teas are inaugurated, at which millhands mix with proper Boston girls; the beaux-arts are cultivated; pacified and uplifted, the workers cheerfully accept a pay cut.[11]

The Silent Partner is a charmingly naive piece of didacticism by a woman whom Vernon Parrington called "an Andover Brahmin, highly sensitive, whose deeply religious nature was ruffled by every vagrant wind."[12] Perley Kelso presaged a new generation of reforming women for whom the home—the working-class home, at least—was no longer the inviolable castle defined by William Pitt. After Perley meets the eight-year-old urchin Bub Mell, a billingsgate-spewing millboy and a marble-sharp, she barges into Mell pere's apartment and confronts the feckless dad: "He was out so late about the streets, Mr. Mell. He uses tobacco as most children use candy. And a child of that age ought not to be in the mills, Sir, he ought to be at school! . . . The stairs in this house are in shocking condition. What is—excuse me—the very peculiar odor which I notice on these premises?"[13] Poor Mell's ruined tenement launches Perley on a life of good works. She never will marry; reform is her spouse. The Mell threshold offers as little resistance to her as a turnstile. Years later, the *Woman Patriot* would note of the schemes of Perley's living, breathing counterparts: "It is solely the poor man's right of castle that is sacrificed."[14]

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III

How many Ragged Dicks and Bub Mells were there? The federal census reported that in 1880, 1.18 million children between the ages of ten and fifteen (16.8 percent of all such children) were "gainfully employed." In 1890 that number climbed to 1.75 million (18.2 percent) and in 1910, 1.99 million (18.4 percent). But these 2 million were hardly a gaunt goblin army; for census takers included those farm children who constituted a "material addition" to the family income. Plowboys and farmers' daughters far outnumbered young cannery and coal mine workers. Of the 2 million child laborers counted in the 1910 census, 72 percent were farm kids, about 85 percent of whom worked on the family acres.

Farm labor, admittedly exhausting, was at first unassailable by the Perley Kelsos. Outdoor chores were salubrious, offering "none of the hazards of mines and factories to the growing body and soul."[15] Novelist Hamlin Garland, no dreamy pastoralist, wrote: "There are certain ameliorations to child labor on a farm. Air and sunshine and food are plentiful. I never lacked for meat or clothing, and mingled with my records of toil are exquisite memories of the joy I took in following the changes in the landscape, in the notes of birds, and in the play of small animals on the sunny soil."[16]

Moreover, farm children worked under the direction of their parents. They ate and wore the fruits of their labor, inspiring Jefferson's comment that "every family in the country is a manufactory within itself, and is very generally able to make within itself all the stouter and middling stuffs for its own clothing and household use."[17] Thus Hamilton's useful drudges in the factories, mills, and mines were the first candidates for deliverance. Next would be the tens of thousands of Ragged Dicks plying the street trades on city sidewalks. The farms were as yet off-limits—awaiting a Progressive Moment.

IV

The emancipation of children from the factory began in New England. In 1836, Massachusetts barred children under fifteen from jobs in manufacturing unless they had attended school for at least three of the preceding twelve months. (The best child labor law is compulsory schooling, went the maxim.) Six years later, the Bay State forbade children under twelve from working more than ten hours a day; by mid-century, every state in the region had similar restrictions. By century's end, twenty-eight states

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had enacted child labor laws, usually setting a minimum age (fourteen for factory work), prohibiting night work, and requiring school attendance. In 1872, the Prohibition Party became the first to include a child labor plank in its platform. The cause attracted dozens of Democratic and Republican paladins, though the parties did not formally endorse federal legislation until 1912, when a bidding war erupted for the votes of Progressives.

This "crusade for the children," as its adult warriors dubbed it, bogged down in the South. Parents, many of them new in the mill towns, just in from the piedmont or the hardscrabble, "felt the children should continue to do their part to help support the family, just as they had done on the farm."[18] The reformers, largely Northeasterners, were seen as meddling do-gooders at best, agents of the New England mills at worst. David Clark, the pugnacious editor of the *Southern Textile Bulletin,* claimed (without adducing much evidence) that the crusade "was financed to a considerable extent by New England cotton manufacturers in order to reduce competition."[19] In 1900, only ten percent of the minors employed in industry were from the South; nonetheless, the region came to be associated with this social blight. (The actual number of non-agricultural child laborers was higher in Pennsylvania than in every Confederate state combined.)

Even Southern proponents of child labor laws resented outside interference. Populist South Carolina Senator "Pitchfork" Ben Tillman, a charter member of the National Child Labor Committee, railed against "Northern millionaires who have gone down there and built mills and made industrial slaves out of white children instead of the chattel black slaves of the old days."[20] Yankee activists also spoke ominously of the "race degeneracy and race suicide" committed when white tykes toddled off to the mills while black kids went to school.[21] Episcopal clergyman Edgar Gardner Murphy of Fort Smith, Arkansas, trained at Columbia University and the General Theological Seminary, emerged as the movement's Southern knight. Murphy, though no agrarian—"The cotton mills," he wrote, "indeed our factories of every sort, are bringing their blessings to the South"—lamented the ruin of derusticated families.[22] Fathers, indispensable on the farm, were less so in the factory. The idle papa, lazing and drinking while mama and junior toiled the livelong day, became an object of obloquy. "Back of nearly every child at work," steamed Miss Jean M. Gordon, Factory Inspector of Louisiana, "is a lazy, shiftless father or an incompetent mother."[23]

The mills tore at the family in other ways. Murphy explained: "Upon the farm the child labors, as it labors in the home, under the eye of a guard-

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ianship which is usually that of the parent, which is full of a parental solicitude. . . . In the factory the child works as an industrial unit, a little member of an industrial aggregate, under an oversight which must, of necessity, be administrative rather than personal.''[24] At Murphy's prodding, in 1903 his adopted state of Alabama forbade children under twelve from working in factories—the strictest standard in the South. By decade's end, every state legislature in the South, save that of Georgia, had passed a minimum age law. (Oglethorpe's commonwealth did, however, punish able-bodied fathers who lived off the labor of their progeny.)

Murphy's abilities—and his Southern pedigree—won him a following in New York. He and Felix Adler founded the National Child Labor Committee on April 15, 1904 at Carnegie Hall. The NCLC was small but puissant. Its directorate read like a Who's Who of plutocrats and uplifters, virtually all resident in New York City and its overspill: John D. Rockefeller, E.H. Harriman, J.P. Morgan, Paul Warburg, Andrew Carnegie, Adolph C. Ochs, Gifford Pinchot, and a flock of ''idle-rich, sentimental, good-hearted women.''[25] Southern cousins included future Georgia Governor Hoke Smith and the aforementioned firebrand Tillman. (With the exception of Tillman, the NCLC and kindred organizations had no luck recruiting Populists and other agrarian radicals, for paternalism ran counter to the Populist character. Says Casy, the itinerant preacher in Steinbeck's *The Grapes of Wrath:* ''On'y one thing in this worl' I'm sure of, an' that's I'm sure nobody got a right to mess with a fella's life. He got to do it all hisself. Help him, maybe, but not tell him what to do.'')

The NCLC lobbied state legislatures to set minimum ages of fourteen in manufactures and sixteen in mining, to limit children to an eight-hour day, and to ban work after 7 p.m. The Southern cotton mills, the Pennsylvania coal mines where ''breaker boys'' picked slate and slag from the black chutes, coastal canneries, and urban street trades were the NCLC's prime targets. The newsboys, whose life was so picturesque, came in for special condemnation. Sing Sing Warden Lewis E. Lawes testified that 69 percent of his inmates had hawked dailes.[26] Profanity, gambling, fast women, even ''the dubious frankfurter'' conspired to corrupt the Ragged Dicks of the pavement.[27] Messenger boys faced even greater temptations. Polemicist John Spargo despaired: ''Sad to relate, boys like to be employed in 'red-light' districts.''[28]

Alger notwithstanding, few Ragged Dicks were orphans. NCLC operative E.C. Clopper found that over 75 percent of 400 Cincinnati newsboys were

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from intact families. Myron E. Adams, a New York City social worker, determined that "only a very small number" of boys in the street trades were from alms-deserving families. Josephine Goldmark reported that just one-quarter of the incarcerated ex-newsboys she studied were raised by widows.[29] The point that Clopper and the others wanted to make was that the labor of children was not necessary to the economic life of the family; dad's wages (and maybe mom's, too) were sufficient. Inadvertently, though, they painted a picture of the newsboy as the product of a solid home.

V

The battle shifted to Washington after a marathon three-day speech in January 1907 by Senator Albert Beveridge (R–Ind.), an apostle of Teddy Roosevelt's brand of progressivism. Beveridge's address was filled with fantastic allegations, though none dared call them mendacious. Relying on the notarized depositions of socialists Scott Nearing, Florence Kelley, and John Spargo, Beveridge narrated lurid tales of thumbless boys and girls who "don't know how to play."[30] He concluded: "More than a million children are dying of overwork or being forever stunted and dwarfed in body, mind, and soul."[31]

Child labor was an evil to be extirpated in the same way that lotteries and obscene literature had been forever banished from God's republic: by federal law. Beveridge proposed to prohibit the interstate transportation of articles produced in factories or mines that employed children under fourteen. His bill rent the NCLC asunder. Its New York City–dominated board endorsed it, prompting Edgar Gardner Murphy, a principled defender of states rights, to resign. (Unwilling to let its prize Southerner slip away, the NCLC rescinded its support of federal action, at least until Reverend Murphy died in 1913.[32]) Meanwhile, a Federal Children's Bureau was created within the Department of Commerce and Labor. This information-gathering agency, invaluable in the coming propaganda war, boasted a payroll reading like Hull House East.

The Bureau's supporters professed its innocuousness. We already gather data on the "diseases of hogs and cattle and sheep," they reasoned; aren't children at least as important?[33] Opponents stressed the threat the Bureau's investigators might pose to the poor man's right of castle. "The unmarried of the country who know how to raise children"[34] will be loosed upon "the class that is most helpless in their hands—those who toil for a living," warned

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Senator Weldon Heyburn (R–Idaho).[35] Why, these uplifters would have "taken Abraham Lincoln from his parents' care. . . . Some committee . . . would have gone down there and said, 'What, allow that child to lie down thee and eat corn pone and hoecake by the hearth; he can not possibly amount to anything; we want to take him down to the headquarters, where we are drawing salaries for taking care of that kind of people.'"[36]

By a 39-to-34 vote, Heyburn and Senator Charles A. Culberson (D–Tex.) added a right-of-castle amendment to the bill to establish the Bureau: "No official or representative of said bureau shall, over the objection of the head of the family, enter any . . . family residence."[37] Notice had been served that there were limits beyond which the child savers could not go. Thus amended, the Bureau bill passed, 54 to 20; President Taft signed it into law on April 9, 1912. Hull Houser Julia Lathrop was appointed to head the Children's Bureau, with a modest budget of $25,000 at her disposal.

VI

Defenders of child labor in the mills and factories were at first paternalistic. Thomas Dawley, Jr., a disgruntled government inspector of Southern mills, indicted the muckrakers for "misrepresentations so gross . . . as fairly to astound an unbiased mind." Sent to Asheville, Dawley looked up that city's two most prominent children's crusaders: a minister and a social worker newly arrived from New York City—neither of whom had ever been inside a cotton mill. When Dawley entered, he found "bright, vivacious" mill girls and "happy and contented" boys, working none too hard and learning in mill-built schools. Contrasted with the "mountain homes of squalor" Dawley had seen, the mills were godsends. A Tennessee innkeeper told Dawley, "Why, thar' ain't enough cotton mills to take care o' them poor chil'ren what's in our mountains. If thar' only war . . . it would be the greates' thing in the world fer 'em."[38]

These apologists played up the advantages of living in a company town: steady wages, nearby churches, schools, and libraries, public parks—indeed, civilization. And the sweat and toil of children was said to be indispensable to economic progress. Lewis B. Parker, a Greenville, S.C. cotton manufacturer, explained: "All the people who are poverty stricken or who can not make a success of anything else have gravitated to the cotton mills." The pool of skilled adult labor, though, was yet too small: "We can not possibly [move] from . . . agriculturalism to . . . industrialism without the employment of minors."[39] Julia Magruder, replying in the *North American Review*

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to "ignorant sentimentalists" who bled sugar over the 2 million wretched baby slaves, claimed: "The class from which the millhands in the South are drawn is the very lowest . . . [Praise be] the elevating and civilizing influence of the cotton mills."[40] Hadn't New England long demanded the mental and spiritual maturation of poor Southern whites? Emerson was willing to accept worse cotton if it meant better men; well, the mill towns were improving both.

Mill families themselves were downright hostile to the prohibitionists. "Some of the most devoted advocates of child labor . . . were the young themselves and their own parents," noted one labor historian.[41] Southern parents, to the bitter dismay of reformers, evaded the laws by lying about the ages of their offspring. Northerners were no less obdurate. Inconveniently for the NCLC, child laborers were neither mute nor idiot, and many resented their benefactresses. Inspector Helen Todd asked 500 children in twenty Chicago factories, "If your father had a good job, and you didn't have to work, which would you rather do—go to school or work in a factory?" To her horror, 412 chose the factory.[42]

Looking back, many adults no doubt regret spending their nonage at hard labor. Bertha Awford Black, after a lifetime in the Amazon Mills in Thomasville, N.C., recalled:

> We'd go out there behind the mill at the warehouse and us girls we'd build us a little playhouse until they'd whistle for us and yell, "Time for the doffers to piece up again." Just nothing but children. You know, that ought to have been stopped a long time before it was. We didn't get no education. We weren't old enough to go to work. That thar' child labor law was wonderful when it came in. We, everyone, should have been in school.[43]

Amen, said the NCLC. Secretary A.J. McKelway urged laws "compelling the ignorant and indifferent parent to send his children to school."[44] By 1914, only Florida, Mississippi, South Carolina, and Texas lacked compulsory education laws, although the average rural school year was still forty days less than the urban term. If the nation was not yet "a vast kindergarten," as Alonzo B. See of the A.B. See Elevator Company complained, at least yesterday's bonded baby slaves had been legislated into school.[45]

To David Clark's question, "What are you going to do for them when you throw them out of the mills?" the child savers shouted with vigor: "Educate Them!"[46] (In 1918, the NCLC would join with the National Education Association to propose the creation of a federal Department of

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Education.) "To keep the child from going to work," wrote historian Walter Trattner, "they had to follow him into the school, the street, and the home."[47] Families might resist remodeling at first, but not to worry: In NCLC executive Gertrude Folks Zimand's chilling aphorism, "laws make morals."[48]

That faith in the state as the fount of all things good suffused *Children in Bondage*, a 1914 tract coauthored by the poet Edwin Markham, Denver Judge Benjamin Lindsey, and George Creel, later chief propagandist for President Wilson's notorious Committee on Public Information. This remarkable best-seller contains wild assertions—"the average life of the children after they go into the mills is four years"; three of five home-knitters die of tuberculosis—that rival Creel's later concoctions of rampaging Huns and the villainy of Eugene V. Debs.[49] The book reads like a purple parody: Apple-cheeked munchkins peer into "the crater of death," while "greed plays with loaded dice and the little player loses all."[50] But shorn of its goofy grandiloquence, *Children in Bondage* offers us a frank Progressive view of child, parent, and state.

The authors are particularly exercised over "homework"; that is, the embroidering, stitching, and making of artificial flowers and such by mothers and their tots in tenements. Homework was nigh-impossible to regulate; New York law, for instance, required only that a tenement be "sanitary." Once her building was licensed, a mother could direct her children as she pleased. Markham tells of a widow who applied for a homework permit in New York City. She desired to sew at home and watch over her baby while her boys attended school and sold papers at dawn and dusk. The permit was denied; the relict's home reeked of "stench and filth." So she went to work in a factory, and the boys quit school to care for the infant. A bureaucratic injustice? No, says Markham. "In denying to mothers the right to work at home for their helpless young, and in denying to little children the right to work for needy mothers, it may seem that the law sets a cruel foot upon the neck of the broken poor. But for the larger good of humanity these denials must be: The public and the child must be protected, and the safeguard against inhumanity lies in the statute's recognition of motherhood as a service."[51]

VII

Mill apologists and hidebound states-rights Democrats were no match for the Children's Crusaders, whose progress was braked, for a time, only by

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the men in the White House. Disregarding the 1912 Republican platform, President Taft opposed federal child labor legislation as unconstitutional. His successor, Woodrow Wilson, agreed. (The Virginian in Wilson surfaced at the oddest times.)[52]

Hopeful that the President had shed his strict constructionist skin—the awesome responsibilities of office are a molting force—a delegation of social workers came calling, soliciting support for Congressman A. Mitchell Palmer's NCLC-drafted child labor bill. Palmer, a Pennsylvania Democrat and future Attorney General, from which position he orchestrated the Red Scare, sought to ban the interstate transport of articles produced by (1) children under fourteen who worked in factories or under sixteen who toiled in mines; (2) children under sixteen who worked more than eight hours a day; or (3) children under sixteen who worked between 7 p.m. and 7 a.m. Only about 150,000 of the land's 2 million young workers would be affected; the armies of newsboys and farmkids and bowling-pin setters were beyond the edifying reach of Mr. Palmer's bill. By 1912, thirty-one and twenty-two states already met the mine and factory standards, respectively; thirty-one states had adopted the eight-hour day, and twenty-eight had banned nightwork for minors.

The measure was flatly unconstitutional, Wilson lectured his supplicants, but he pledged neutrality.[53] The Palmer bill passed the lame-duck House in February 1915, 233 to 43, over the protests of South Atlantic legislators, who prevented a companion Senate bill from coming to the floor. The measure sailed through the next Congress, passing the House 337 to 46 and the Senate 52 to 12. The debate was brief and insipid; Congressman George F. O'Shaunessy (D-R.I.) confidently asserted that "this bill is in line with the enlightened progress of the age; in line with advanced thought." His colleague C.F. Reavis (R-Nebr.) added: "Down deep in the subconscious of the childhood of America lies embryonic greatness."[54] Out of the feeble opposition one voice carried. Pitchfork Ben Tillman, the NCLC pioneer, staked his position:

> The United States had assumed the right to enter the homes of the people and tell them how they must rear their children, and how, when, and where they must work them. . . . The Prussianizing of our free Republic will have begun. Little by little the central government would finally assume all the powers of government, the states would sink to the level of mere counties, and Washington's control over the remainder of the country would be not less complete than Berlin's over all of Germany.[55]

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President Wilson, locked in a tight race with progressive Republican Charles E. Hughes, reversed himself, signing the bill with the rather unseemly boast, "I congratulate the country and felicitate myself."[56]

Southern textile operative David Clark hunted up a North Carolina millworker, Roland Dagenhart, whose thirteen-year-old son John would be fired and whose fifteen-year-old son Reuben would see his daily hours cut from eleven to eight. Federal Judge James E. Boyd of the Western District of North Carolina pronounced the law unconstitutional; so, too, on June 3, 1918, did the Supreme Court. The Court's 5 to 4 decision was written by Justice William Rufus "Good" Day, a Ravenna, Ohio, attorney whose "faith in the small town as a symbol of the American brand of democracy" yielded his distrust of all centralized power, political and economic. Under such a broad reading of the interstate commerce clause, Day wrote, "freedom of commerce will be at an end, and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed."[57]

Progressives were aghast. In the *New Republic,* Edwin S. Corwin fumed, "At a moment when the government is directing the mines, the factories, and the farms of the nation, is saying what price producers shall receive for their products, is conscripting the manhood of the country for the national armies, it is informed that it cannot regulate commerce with the end in view of conserving the health of those of whom its future armies must be composed."[58]

A new tack was chosen. Our future soldiers would be protected by Senator Atlee Pomerene (D–Ohio), who proposed to levy a 10 percent tax on the net profits of those industries whose practices violated the standards of the Palmer bill. The Senate approved Pomerene's amendment by 50 to 12 on December 18, 1918; friendly organs christened it "the children's Christmas present." The House voted 312 to 11 for Pomerene's tax, and President Wilson signed it into law on February 24, 1919. Again, Southern textile manufacturers found an aggrieved family to challenge the law; again, Judge Boyd voided the law in western North Carolina; again, the Supreme Court heard the case; again, the high court struck down the law, this time by a vote of 8 to 1. This time, most liberals concurred with the Court; Felix Frankfurter called Pomerene's levy "a dishonest use of the taxing power." He advised his nationalizing friends at the *New Republic,* "We must pay a price for Federalism."[59]

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VIII

By the early 1920s, discouraged reformers had turned to their last resort: a constitutional amendment. World War I had swelled the national government to an aggressive plumpness much admired by Progressives. Washington had conscripted youth, set prices, and jailed dissenters. The Eighteenth Amendment had banned the sale of spirits, and the Nineteenth Amendment had forced refractory states to grant women the vote; a Twentieth Amendment giving Congress the power to regulate child labor seemed a small step indeed. The Bourbons were weary; as one dejected state legislator complained: "They have taken our women away from us by constitutional amendment; they have taken our liquor away from us; and now they want to take our children."[60] The centralizing trend seemed inexorable. The disrepute of localism was such that Children's Bureau chief Grace Abbott could say, "The issue of states' rights has never been raised in behalf of a good cause."[61]

The push for an amendment began as the child labor force was shrinking. State laws had been toughened: all but two states now banned children under fourteen from the factories, and thirty states had adopted the eight-hour day. The number of working minors had fallen from 1.99 million (18.4 percent of all children) in 1910 to 1.06 million (8.5 percent) in 1920. Far and away the majority of this million (647,000) labored on farms—90 percent of them on their parents' land. The percentage of children aged ten to fifteen who worked at non-agricultural jobs had slipped from 7.1 in 1900 to 5.2 in 1910 and 3.3 in 1920. Barely 20,000 youngsters were employed as cotton mill operatives in 1920; fewer than 6,000 worked in the coal mines.

The South—the godforsaken South, as it was known in Northeastern salons—was still considered the Evilest Place. Alabama and South Carolina led the country in child workers (24 percent), but the vast majority of these were farm kids. Discounting agricultural labor, the South had proportionately fewer young toilers than the Middle Atlantic, the East North Central, or even the New England states.[62]

IX

By 1924, a score of amendment resolutions had been introduced; the principal sponsors were Congressman Israel Foster (R–Ohio) and Senators Medill McCormick (R–Ill.) and Samuel Shortlidge (R–Calif.). As reported onto the House and Senate floors, the amendment read:

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> Section 1. The Congress shall have the power to limit, regulate, and prohibit the labor of persons under eighteen years of age.
>
> Section 2. The power of the several states is unimpaired by this article except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Two features gave lukewarm supporters pause. First was the use of eighteen years instead of sixteen. Secretary of Commerce Herbert Hoover, among others, preferred the tenderer age, but, he later recalled, "the lunatic fringe was demanding two years more than was attainable."[63] Second, the use of the term "labor" rather than "employment" was a tactical—and revealing—blunder. Only then, after twenty years of agitation by the NCLC and the Hull Housers, did ordinary Americans catch a hint that the child-labor movement had grander aims than simply taking Amanda out of the mill.

Grace Abbott was responsible for the substitution. She explained: "Children often work with their parents, and are not on the payroll."[64] Mary Kilbreth of the *Woman Patriot* immediately grasped the import of the word "labor": "A girl making the bed or washing the dishes. That is labor. Or a boy helping his father milk the cows."[65] Surely these homely chores were not to be brought within Washington's bailiwick—or were they?

Congressional hearings gave just the barest foretaste of the coming fight. Virtually every civic organization in the land lined up behind the Child Labor Amendment: the National Education Association, the American Legion, the Camp Fire Girls, the League of Women Voters, the Womens Christian Temperance Union, the PTA—even Presidents Warren Harding and Calvin Coolidge voiced their support. The two best-known witnesses against the amendment, *Southern Textile Bulletin* editor David Clark and James A. Emery of the National Association of Manufacturers, were dismissed as mouthpieces of the child exploiters. Also testifying were a stream of obscure self-styled "constitutionalists," most of them from sopping wet Maryland. They were paid little heed, but they adumbrated two of the most devastating anti-amendment themes.[66]

First—and no one disputed this—the Child Labor Amendment was cousin-german to Prohibition. Drunkard fathers had necessitated the Eighteenth Amendment; indolent dads would force the Twentieth. American men, it was implied, were dissolute bums whose failings cried out for Washington's remedies.[67] The second discordant note was introduced by Willis R. Jones, representing the Women's Constitutional League of Maryland: "The fathers and the mothers are better prepared to pass judgment upon the needs and

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the welfare of their children than this Congress is, or than the Children's Bureau. I know not who the Children's Bureau is composed of: I have heard intimations that there are not many mothers connected with [it].''[68]

The charge that women supporters of the amendment were hypocrite humanitarians who bled for the abstraction ''child'' but blanched at real, live, fleshy bloody tykes was rude, clever, and partly true. When American Bar Association President Clarence E. Martin referred to ''the maiden ladies resident in Hull House, Chicago . . . a hotbed of radicalism,'' the implication was clear: The child savers were officious spinsters, lesbians, and Reds.[69] Prominent among them were Grace Abbott, Lillian Wald, Jane Addams, Julia Lathrop, Katharine Lumpkin, and Florence Kelley. Martin and Jones, however tactless, had a point: National Consumers League chief Kelley, the amendment's lobbyist-dynamo, had been a fervid Socialist Laborite until she was expelled by the party on the (possibly trumped-up) charge of misusing funds. Marcet Haldeman-Julius, Jane Addams's niece, told of visiting her ''Aunt Jenny'' at Hull House and finding her distant, impersonal, and cold: '''She isn't a very auntly person,' I (aged six) complained to my mother on one of our visits. 'That,' I was informed in a tone of rebuke, 'is because she is aunt to so many. She hasn't much time for each of you.'''[70]

The childlessness of the child savers became a favorite refrain. Pennsylvanian Edward J. Maginnis wrote in a widely circulated open letter: ''One class of citizens composed principally of cultured men and women of small or no families at all, living in comfort, albeit with good intentions, are attempting to force legislation on the industrial class, composed mostly of humble, stalwart men and women of large families.''[71] The *Woman Patriot,* an anti-suffrage organ refitted for the broader ''defense of the family against the state,'' entered the fray with articles alternately cogent and screed-like. Mary C. Kilbreth, its president, picked up the ball carried years ago by Senator Weldon Heyburn. ''As women,'' she testified, ''we are particularly concerned [about] the right-of-castle aspect of this amendment.''[72] This phrase, worn threadbare over the next year, drove reformers up the wall. ''The home is the castle!'' jeered two socialist researchers. ''Have they seen the 'castles' out of which child workers come?''[73] Shiftless or absent fathers; overworked skeletel mothers; poor little Bub Mell in his fetid cell, his mill town hell, a slangy kid headed for the pen. . . .

Labor for teenagers did find its defenders. ''Give the children a chance to work,'' pleaded the principal of a girls' trade school. ''Give at least as much attention to fostering work habits in all as we give to restrictive

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legislation which affects relatively few.''[74] Kilbreth of the *Woman Patriot* declared:

> We are oppressed with white collarism. It is absurd that we Americans, who are supposed to be a democracy, have a contempt for manual work. . . . We have been a resourceful, self-reliant, energetic people, and I contend that this amendment would result in the practical-minded children becoming idlers and loafers, and by the implied stigma on work in this amendment there would be more over-cerebralized young intellectuals, from whom the radicals are recruited and who are the curse of society.[75]

Kilbreth and others unbeholden to industrial interests saw child labor as good and proper to a Jeffersonian America. Elders taught skills to youngsters that would enable them to live, in adulthood, as independent freeholders, sturdy hard-working unbought and unbossed citizens of the republic. The Hamiltonian uses of children—as cogs in a mighty industrial empire—went undefended in the 1920s, as David Clark and the National Association of Manufacturers played states' rights tunes instead. Furthermore, Kilbreth's allies saluted the salutary effects of wholesome work. Senator Bayard reminded scripture-spouting legislators that ''as a boy of twelve Jesus worked in a carpenter's shop. . . . He received no detriment from doing so, and He grew up to be the most wonderful man in the world.'' No one dared gainsay Bayard.[76]

But carpenters and mill-hands were few; the vast majority of ''child workers'' were farm boys and girls. Grace Abbott assured solons that banning field work was the farthest thing from her mind, but the amendment must not exempt agriculture because, well, who knew what conditions would obtain in rural America in fifty years? (That rural America would very nearly cease to exist occurred to no one.) While Abbott may have been honest—although immediately after the amendment's death she announced her support for federal regulation of family farm labor—her comrades were either disingenuous or liars. NCLC secretary Owen P. Lovejoy, for instance, claimed that ''the farm child is frequently getting too much work, too little schooling, and too little developmental care. . . . He is too often a mere drudge who will grow up an ignorant, inefficient worker.'' Yet Lovejoy hastened to add: ''There is no thought on the part of advocates of this amendment to have the federal government interfere with the conditions of children on farms.''[77]

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The NCLC disgorged study after study confirming the dreariness of the georgic world and the imbecility of its inhabitants. E.C. Lindeman found that "farm life in general does not produce a degree of mental alertness and neuro-muscular coordination essential to an enthusiastic and optimistic outlook on life."[78] The romantic vision of an American Arcadia was a joke; its cultured defenders were "typewriter agrarians," scoffed H.L. Mencken. Twenty years earlier populist Tom Watson had complained, "It takes these city fellows to draw ideal pictures of farm life—pictures which are no more true to real life than a Fashion Plate is to an actual man or woman."[79] Not to worry, Tom: The slickers soon realized that the valley of democracy was filled with morons. Progress kicked small farmers into towns that more often resembled Winesburg than Friendship Village. However unwittingly—Edgar Lee Masters, after all, was a Jeffersonian, and Mencken an anarchist—the debunkers of rural virtue blazed a path for the Remolders.

With deliberate speed, the Grange and the American Farm Bureau Federation rolled into opposition. Amendment foes had found their hook: defense of the forty-acre family farm. Congressman Fritz G. Lanham (D–Tex.) brought down the House with his mock psalm:

> Consider the Federal agent in the field; he toils not, nor does he spin; and yet I say unto you that even Solomon in all his populous household was not arrayed with powers like one of these.
>
> Children, obey your agents from Washington, for this is right.
>
> Honor thy father and thy mother, for the Government has created them but a little lower than the Federal agent. Love, honor, and disobey them.
>
> Whatsoever thy hand findeth to do, tell it to thy father and mother and let them do it.
>
> Six days shalt thou do all thy rest, and on the seventh day thy parents shall rest with thee.
>
> Go to the bureau officer, thou sluggard; consider his ways and be idle.
>
> Toil, thou farmer's wife; thou shalt have no servant in thy house, nor let thy children help thee.
>
> And all thy children shall be taught of the Federal agent, and great shall be the peace of thy children.
>
> Thy children shall rise up and call the Federal agent blessed.[80]

How odd, how unsettling for the modern reader, in this age of the DEA and the IRS, to read of the deep-seated antipathy that conservatives of the

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1920s had for Federal officers. Some warned of "house-to-house and farm-to-farm searches for youthful workers."[81] The *Woman Patriot* prevised "vicious espionage and invasion of the homes of the people in violation of Article IV of the Bill of Rights by swarms of bureaucrats from Washington with inquisitorial powers. It is absurd to pretend that these salaried professional humanitarians would have the interest of the youth of distant states as much at heart as the mothers who bore them or the communities in which they live."[82] But burlesques and dire prophecies were—yet—no match for the child savers. The House approved the Child Labor Amendment on April 26, 1924, by a vote of 297 to 69.

X

The outstanding Senate foe of the amendment was James Wadsworth (R–N.Y.). Although detested by many of their neighbors as fox-hunting twits who abused the hired help in phony accents, the Wadsworths, like many old families, had an admirable sense of civic-mindedness, an almost proprietary feeling toward the Republic. The old America, Wadsworth thought, was slipping away; his revered Constitution had become the instrument of wrenching social change. "We are whittling away at the structure established by the fathers," the Senator lamented. "If we whittle long enough, we will destroy it."[84] Wadsworth had special loathing for uplifters and their constitutional amendments. He was New York's most vocal Wet; he and his wife, the daughter of John Hay, were the country's leading anti–women's suffrage couple. Now came yet another amendment striking at local rule—which in the Genesee Valley meant Wadsworth Rule.[85]

Although his motley Senate coalition was defeated on June 2, 1924, by 61 to 23, James Wadsworth introduced an issue that would, in six months time, scuttle the Child Labor Amendment. Congress, he predicted, would someday legislate "that no person of seventeen years of age . . . shall be permitted to do a certain kind of work unless that person had a certain kind of education; not only a certain amount of schooling but the *kind* of schooling."[86] American Catholicism awakened, as the Church was being besieged on several fronts. Prohibition was widely regarded as a swipe against "rum and romanism." The Ku Klux Klan, stressing anti-Catholicism, was enjoying a brief resurgence. New York Governor Al Smith had been denied the 1924 Democratic nomination for president partly on the papist question. His major opponent, William Gibbs McAdoo, was backed strongly by the Klan. Even more alarming, Oregon had effectively outlawed private

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schools in a 1922 initiative. (The Oregon law, which required children between the ages of eight and sixteen to attend public schools, was struck down in 1925 by a unanimous Supreme Court in *Pierce v. Society of Sisters.*) A similar initiative was on the Michigan ballot in November 1924; anti–Catholics and Progressives had declared war on the parochial school.[87]

XI

By the time the Child Labor Amendment was sent to the forty-eight states, a massive shift in popular sentiment was underway. The opposition had once consisted of mill owners and Southern politicians, whose valentines to the Anti-Saloon League made their orotund invocations of states rights seem like so much hot air. Now, as the amendment came before state legislatures, a fresh coalition assembled: the Catholic Church, farmers, anti-feminists, Northern Mugwumps (Senator Wadsworth, Nicholas Murray Butler, Elihu Root), and ordinary families afraid of the encroachment of the state and childless do-gooders.

Arkansas was the first state to ratify the amendment, in late June. After that, the deluge: State after state, including Progressive bastions, rejected the measure. In Georgia, where the repudiation was unanimous, State Representative McCorsey declared: "I don't want any more monkeying with the buzz-saw by that bunch in Washington. We don't mix nohow. We weren't born under the same regime and don't drink out of the same bottle."[87] The suspicion, as well, that Massachusetts manufacturers were behind the amendment, remained strong in the Confederacy. South Carolina's Senator Dial excoriated "the mill people of New England, who are jealous of the prosperity and progress the South has made."[88] Well, maybe. An Ohio state legislator named Robert Taft, for instance, supported the amendment "on the practical grounds that it would help Cincinnati industries meet unfair competition from other states."[89]

The amendment's backers were stunned. They had predicted swift ratification; *Survey* had foreseen only "the familiar bogeys . . . of states' rights, the Prohibition analogy, the grasping bureaucrats of Washington, [and] the sacred right of the seventeen-year-old farmer-boy to pick blueberries on the hill."[90]

How reasonable were the fears of the amendment's foes? How justified were their alarms?

Certainly the farmers had cause to worry. Children helping their parents in fields and barns must be rescued and spirited into schools, reformers

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insisted; and if the local economy depended on their labor at harvest time, then perhaps the local economy ought to be modernized. A New Jersey cranberry bog owner's protests fell on deaf ears: "If man-made laws about when children must attend school are in conflict with God-made laws about when the crops shall ripen, then the laws of God must be obeyed."[91] The other, more speculative backroads fear, as expressed by the editors of *Power Farming,* was that the amendment would grant Congress "the power to forbid any farm boy from milking a cow or even driving in a cow from the pasture until he is eighteen years old. . . . It might and probably would be made illegal for sister Susie to wash a dish or sew on a button until after her eighteenth birthday."[92]

This was an exaggeration; even Edwin Markham saw nothing wrong with washing the dishes. (Hoeing was another matter.) But *Power Farming* was right: The amendment *did* grant that power—to a Congress that had so recently torn boys from their homes and communities and sent them across a vast ocean to die, or to return to a country in which bottles of beer were contraband. As New York attorney Austen F. Fox drily commented, "Granting power is not the best way to prevent its exercise."[93]

And what of the claims made by the *Woman Patriot* that governmental authority would supersede parental authority? That, as Senator James A. Reed (D–Mo.) feared, Congress would "trample upon the institution of the home; and establish an offensive and tyrannical socialism on the soil that was redeemed to freedom and that has been consecrated to individual liberty"?[94] Well, even moderate Raymond G. Fuller, NCLC research director, admitted:

> If it is unsafe to leave children to the mercies of business for profit, so it is to leave their protection even to so great and beneficient a force in the life of mankind as parental love. . . . We must limit parental freedom as well as employers' freedom, but the main thing is to aid and strengthen the home—for the children's sake. The virtue of laws . . . is to make legal prohibitions and compulsions less and less necessary, through having promoted the intelligence of the makers of homes.[95]

Amendment advocates were determined to nurture some embryonic greatness. A popular theory was Government as Overparent. Denver Judge Ben Lindsey, coauthor of *Children in Bondage,* believed that "an economic earthquake has shaken the 'old home' to pieces. The foundations are crumbled, the walls are spread, the winds of the world blow through. . . .

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The Nation, the State, the municipality, these have stepped in, assumed practical control of the family in its most intimate relations, and are over-parents.''[96] Just how far this overparenting might go was unclear. Florence Kelley, Leninist *bete-noire* to the *Woman Patriot,* envisioned virtually no limits on the powers of the central authority. Suffragette Alice Paul, a marginal figure in this debate, insisted that ''the state assume entire responsibility for the maintenance and education of children.''[97]

Charlotte Perkins Gilman had predicted the family of the future in *The Home: Its Work and Influence* (1903). Decrying ''the archaic cult of home-worship,'' Gilman urged housewives to turn over their two most time-consuming domestic duties (child rearing and cooking) to trained experts, versed in the advanced scientific thought of the age. Dinner would be taken in large communal eateries; infants would be cared for by professionals in nurseries. For too long American women had produced dyspepsia and spoiled brats; indeed, ''that the care and education of children have developed at all is due to the intelligent efforts of doctors, nurses, [and] teachers.'' Home, in Gilman's view, stifled ''social consciousness.'' There we become excessively attached to other members of the family, and disregard the outer world. ''Christ rose above all family ties,'' she pointed out; oughtn't we be Christ-like?[98]

Once freed from the confinement of home, from the tedium of cooking and mothering, American women would take their rightful places in industrial society. Children, no longer dependent upon ignorant mamas lacking college degrees, would emerge ''from the very lowest grade of private ownership into the safe, broad level of common citizenship. That which no million separate families could give their millions of separate children, the state can give.''[99] In Gilman's view—largely shared by the Hull Housers who ran the Children's Bureau—the Federal government had not only the right, but the obligation, to intervene in family relations. And yes, if science determined that sewing buttons was bad for Susie, then Susie's mom must be prevented from passing on seamstress work to the poor girl.

XII

The Child Labor Amendment met its Waterloo in Massachusetts, once thought to be its stronghold. Ratification there was expected: Massachusetts had been the first state to pass a strict child labor law; Bay State mill owners were at a competitive disadvantage with Southern employers; and Senators Walsh and Lodge—in fact, every candidate for a major office—endorsed

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the amendment. In opposition was a Paddy–Brahmin united front. The Citizens' Committee to Protect Our Homes and Children, led by Harvard President A. Lawrence Lowell, warned of Congress interfering "in the discipline of every household. [It will] take from parents the right and duty to educate and guide their children."[100]

Cardinal William O'Connell and the Archdiocese of Boston mounted a vigorous (and, outside Massachusetts, widely denounced) campaign against the amendment. On three successive Sundays, priests inveighed against the amendment from the pulpit. It would unleash "swarms of paid Governmental workers through the country," one priest contended, "seeing that parents are complying with the bureau's ideas of bringing up their children, supervising their education . . . and interfering in the sacred rights of parents."[101] The Lutherans, if less powerful, were equally comminatory. The Lutheran Pastors of Boston declared: "We hold that the child belongs to the parents, not to the state. Any infringement of the fundamental rights of parents would be not only un-American, but also anti-Christian."[102]

The Child Labor Amendment died in Massachusetts on November 4, 1924, by a vote of 697,563 to 241,461. It was done in by Catholics and Mugwumps and farmers. That canniest of pols, Boston, Mayor James Curley, apostasized and presided over the amendment's last hurrah. The size of the defeat staggered observers, and the Massachusetts shot was heard 'round the country. Governor Al Smith, former champion of the amendment, backpedaled. When he proposed an advisory referendum for New York, Florence Kelley was furious. Convinced that working-class Catholics and the mossback cretins from Upstate would sink the measure, Kelley set out to collect the signatures of 100,000 "leading citizens," beginning with Mrs. John D. Rockefeller, Jr. The petition drive fizzled; no referendum was held, and New York never ratified. (Indeed, when the amendment drive was revived in the mid-1930s, Al Smith was among its loudest foes.)[103]

Florence Kelley's undemocratic folly was no aberration. Frustrated by the amendment's failure to excite enthusiasm outside of Hull House, reformers itched for an iron heel. Fumed Henry F. Pringle: "The fact of the matter is that I haven't much faith in the states. I don't think they are entitled to their 'rights' when they fail to exercise them."[104] Or as Raymond G. Fuller put it, "there is no democracy in permitting backward localities to use up childhood."[105]

By Christmas 1925, just four states—Arkansas, Arizona, California, and Wisconsin—had ratified the would-be Twentieth Amendment. Montana and Colorado later made it six, but twenty years of prologue had led to . . . a

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rout. The amendment was killed, establishment historiography has it, by "reactionary religious elements and the rural and business interests."[106]

XIII

The amendment was resuscitated in 1933. Swayed by the labor union argument that children were stealing scarce jobs from adults, fourteen states ratified the amendment in the New Deal's first year. (By 1933, however, every state had enacted a compulsory school attendance law covering youths up to the age of fourteen, so legislation was less necessary than before.) At the same time, under the National Recovery Act, the Roosevelt Administration was imposing a nationwide "code of competition" which forbade children under sixteen from working in any mining or manufacturing industry, and limited those between the ages of fourteen and sixteen to three-hour workdays between the morning and seven o'clock in the evening. More than 150,000 youngsters were thrown out of work, prompting NCLC general secretary Courtenay Dinwiddie to rhapsodize, "We have done more to eliminate child labor in the last three or four months than we were able to do in the preceding ten years."[107] Roosevelt announced "Child labor is abolished" in his 1934 State of the Union address, but the amendment trudged on, with four more states ratifying over the next two years.

The anti-amendment forces regrouped as well, led by the eminent quartet of Harvard president Lowell, Columbia University president Butler, ABA president Martin, and statesman Elihu Root, whose place in the Senate James Wadsworth had taken.[109] Martin, in a nationwide radio address, argued that under the amendment, "the children of the nation can be Russianized. . . . Military training can be made compulsory. . . . Congress shall acquire over children the primary power parents now have."[110] Amusingly, the newspapers, after ten years of flacking for the amendment, did a collective flip-flop. An NRA newspaper code had been adopted in February 1934: To combat the scourge of juvenile delinquency, paper boys in cities of 50,000 had to be at least fourteen, and in smaller towns at least twelve. Newsgirls were subjected to even stricter standards. Upon the promulgation of the NRA newsboy code, 60 papers that had championed the amendment as late as 1933 now gravely editorialized against it as subversive of all that is good and American.[111]

After the NRA was struck down by the Supreme Court in 1935, four more states ratified, bringing the total to twenty-eight. And there the drive stalled.

The Fair Labor Standards Act of 1938 included restrictions similar to those in the old Palmer Bill. When the FSLA was upheld by a chastened Court,

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Hammer v. Dagenhart was laid to rest at last. The FSLA did, however, exempt children employed by their parents. The NCLC criticized this "loophole"[112] and Grace Abbott, erstwhile protector of the family farm, fretted that "agricultural work is not adequately controlled."[113] But the primary goals of the child savers had been achieved, and the amendment—eight states shy of enshrinement in the Constitution—was interred. "Finally," announced NCLC chairman Homer Folks, "in 1938, the long battle was won."[114]

XIV

As historian Richard B. Sherman has noted, "[t]he fight for the amendment scattered rather than consolidated . . . the old progressive coalition."[115] Nationalizers and centralizers split with anti-monopolists such as Senator Borah, who called the amendment "the most pronounced invasion of local self-government that has ever been proposed."[116] The rift presaged the breakup of the Progressive coalition in the late 1930s over the New Deal and U.S. involvement in World War II. With the Child Labor Amendment, the battle between partisans of the old republic and the *New Republic* was joined.

Industrial child labor was ended, but the sacred right of the seventeen-year-old to pick blueberries, at least on his own farm, remained intact. Those who would overrun the poor man's castle would later acquire many new weapons; but a Child Labor Amendment was not among them. Opposition to the amendment had united, in common—and successful—cause, an extraordinary coalition of rural Southern Protestants, Northern working-class Catholics, anti-feminists, localist Progressives, domestic manufacturers, farmers, and Mugwump wisemen. Together, they defeated a measure that had virtually the entire political establishment behind it.

A pity the coalition has never re-formed.

Notes

1. Quoted in Clarke A. Chambers, *Seedtime of Reform* (Minneapolis: University of Minnesota Press, 1963), pp. 45–46.
2. Claudius O. Johnson, *Borah of Idaho* (New York: Longmans, Green & Co., 1936), p. 188.
3. Quoted in Walter I. Trattner, *Crusade for the Children* (Chicago: Quadrangle, 1970), p. 199.
4. *Congressional Record,* May 31, 1924, p. 10,001.

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5. Edwin Markham, Benjamin B. Lindsey, and George Creel, *Children in Bondage* (New York: Hearst's International Library, 1914), p. 41.
6. Quoted in Richard B. Sherman, "The Rejection of the Child Labor Amendment," *Mid-America,* January 1963, pp. 9–10.
7. Quoted in Grace Abbott, *The Child and the State,* vol. 1 (Chicago: University of Chicago Press, 1938), p. 277.
8. Quoted in John Spargo, *The Bitter Cry of the Children* (New York: Macmillan, 1906), p. 128.
9. Horatio Alger, *Ragged Dick* [1867] (New York: Macmillan, 1962), p. 46.
10. Alger, a benefactor of the Children's Aid Society, was no lackey of the Exploiters. He successfully lobbied the New York state legislature to criminalize the "padrone" system by which unscrupulous adults pimped out immigrant children. Horatio, alas, took too great a shine to boys: His pederasty got him booted out of his Unitarian ministry in Brewster, Mass., which is why he took up writing as a career. See Edwin P. Hoyt, *Horatio's Boys* (Radnor, Pa.: Chilton, 1974), pp. 4–6.
11. Elizabeth Stuart Phelps, *The Silent Partner* (Boston: James R. Osgood, 1871), p. 48.
12. Vernon Parrington, *Main Currents in American Thought,* vol. 3 (New York: Harcourt, Brace & Co., 1927) p. 61.
13. Phelps, *Silent Partner,* pp. 107–08.
14. In Katharine DuPre Lumpkin and Dorothy Wolff Douglas, *Child Workers in America* (New York: Robert M. McBride, 1937), p. 222.
15. Raymond G. Fuller, *Child Labor and the Constitution* (New York: Thomas Y. Crowell, 1923), pp. 37–38.
16. Hamlin Garland, *A Son of the Middle Border* (New York: P.F. Colllier & Son, 1917), pp. 100–01.
17. Quoted in Fuller, *Child Labor,* p. 35.
18. Trattner, *Crusade for the Children,* p. 40.
19. Quoted in Stephen B. Wood, *Constitutional Politics in the Progressive Era* (Chicago: University of Chicago Press, 1968), p. 257.
20. *Congressional Record,* January 28, 1907, p. 1801.
21. Edward T. Devine, quoted in *Child Labor and Social Progress* (New York: National Child Labor Committee, 1908), p. 8. Senator Beveridge, the Teddy Roosevelt Progressive whose pet causes were child labor and imperialism, wailed that "whereas the children of the white working people of the South are going to the mill and to decay, the Negro children are going to school and improvement." Quoted in Markham et al., *Children in Bondage,* p. 332.
22. Edgar Gardner Murphy, *The Present South* (New York: Macmillan, 1904), p. 140.
23. Quoted in *Child Labor and Social Progress,* p. 70.
24. Murphy, *Present South,* p. 108.
25. *Congressional Record,* February 2, 1916, p. 2013.
26. Dorothy Dunbar Bromley, "The Newspapers and Child Labor," *Nation,* January 30, 1935, p. 131.
27. Markham et al., *Children in Bondage,* p. 226.
28. Spargo, *Bitter Cry,* p. 185.
29. Josephine Goldmark, "Street Labor and Juvenile Delinquency," *Political Science Quarterly,* September 1904, p. 424.

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30. *Congressional Record,* January 28, 1907, p. 1800.
31. Albert Beveridge, introduction to Mrs. John Van Vorst, *The Cry of the Children* (New York: Moffat, Yard & Co., 1908), p. xv.
32. Murphy wrote: "The conditions of industry vary so greatly and so decisively from state to state and from locality to locality" that uniform laws were undesirable. The American Federation of Labor also opposed the Beveridge proposal. President Samuel Gompers feared "it would set a dangerous precedent and that further government interference in labor relations might follow." The union shortly thereafter reversed itself in the hope that barring child labor would drive up adult wages. See Murphy, *Present South,* p. 129, and *Crusade for the Children,* p. 89.
33. *Congressional Record,* January 8, 1912, p. 704.
34. *Ibid.*, p. 704.
35. *Congressional Record,* January 30, 1912, pp. 1526–27.
36. *Congressional Record,* January 8, 1912, pp. 704–05.
37. *Congressional Record,* January 31, 1912, pp. 1576–78.
38. Thomas Robinson Dawley, Jr., *The Child That Toileth Not* (New York: Gracia, 1912), pp. 7, 64, 30, 227, and 243.
39. In Abbott, *Child and the State,* pp. 477–78. See also William P. Few, "The Constructive Philanthropy of a Southern Cotton Mill," *South Atlantic Quarterly,* January 1909, pp. 82–90.
40. Julia Magruder, "The Child Labor Problem: Fact Versus Sentimentality," *North American Review,* October 1907, pp. 245 and 248–51.
41. Trattner, *Crusade for the Children,* p. 40.
42. Markham et al., *Children in Bondage,* p. 373.
43. Quoted in Victoria Byerly, *Hard Times Cotton Mill Girls* (Ithaca, N.Y.: ILR Press, 1986), p. 65.
44. Quoted in *Child Labor and Social Progress,* p. 27.
45. Quoted in Chambers, *Seedtime of Reform,* p. 38.
46. Lumpkin and Douglas, *Child Workers,* p. 225.
47. Trattner, *Crusade for the Children,* p. 154.
48. Quoted in Chambers, *Seedtime of Reform,* p. 47.
49. Markham et al., *Children in Bondage,* pp. 47 and 87.
50. *Ibid.*, pp. 58 and 66.
51. *Ibid.*, pp. 180–81. It is unknown just how many children helped with homework; in 1909, New York City's inspectors issued 11,162 tenement licenses. See Mary Van Kleeck, "Child Labor in Home Industries," *Annals of the American Academy of Political and Social Science,* March 1910, pp. 145–49. Some early opponents of homework argued from a pro-family position, which their modern heirs have abandoned. For a provocative interpretation of the homework debate, then and now, see Allan C. Carlson, *Family Questions* (New Brunswick, N.J.: Transaction, 1988), pp. 139–54.
52. Taft was the last president to wholeheartedly oppose federal legislation. In prose as sluggish as his gait, he wrote: "It seeks indirectly and by duress, to compel the states to pass a certain kind of legislation that is completely within their discretion to enact or not. Child labor in the state of the shipment has no legitimate or germane relation

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to the interstate commerce of which the goods thus made are to form a part, to its character or to its effect. Such an attempt of Congress to use its power of regulating such commerce to suppress the use of child labor in the State of shipment would be a clear usurpation of that State's rights." William Howard Taft, *Popular Government* (New Haven: Yale University Press, 1913), pp. 142–43.

In his 1908 treatise *Constitutional Government,* Wilson wrote: "The proposed federal . . . regulation of child labor affords a striking example. If the power to regulate commerce between the states can be stretched to include the regulation of labor in mills and factories, it can be made to embrace every particular of the industrial organization and action of the country. The only limitations Congress would observe, should the Supreme Court assent to such obviously absurd extravagancies of interpretation, would be the limitations of opinion and circumstance." Woodrow Wilson, *Constitutional Government* (New York: Columbia University Press, 1908), p. 179.

53. Arthur S. Link, *Wilson: The New Freedom* (Princeton: Princeton University Press, 1956), p. 257.
54. *Congressional Record,* February 2, 1916, pp. 2008 and 2010.
55. *Congressional Record,* August 8, 1916, p. 12,294.
56. Quoted in Trattner, *Crusade for the Children,* p. 131.
57. Joseph E. McLean, *William Rufus Day: Supreme Court Judge from Ohio* (Baltimore: Johns Hopkins University Press, 1946), p. 17; Trattner, *Crusade for the Children,* p. 136. Day was that rarest D.C. specimen: a man of place in a high place. A village lawyer content in Ravenna and later Canton, Ohio, he was summoned to Washington in 1897 by his old friend William McKinley. He served with distinction as the in-house dove (McKinley's front-porch conscience?) during the Spanish-American War. Roosevelt appointed "Good" Day to the Supreme Court in 1902. On the bench, Day viewed "with distrust extreme concentrations of political or economic power"; though a strict constructionist of national powers, he allowed the states wide berths in the disciplining of monopolists and malefactors.

    Lowell Mellett of Scripps-Howard tracked down Reuben Dagenhart in 1923, on the eve of the amendment debate. Twenty years old, downcast, and living in Charlotte, Reuben felt no gratitude toward the court or his lawyers. "I don't see that I got any benefit. I guess I'd been a lot better off if they hadn't won it. Look at me! A hundred and five pounds, a grown man and no education. I may be mistaken, but I think the years I've put in in the cotton mills have stunted my growth. They kept me from getting any schooling." Quoted in Abbott, *Child and the State,* p. 516.
58. Quoted in Wood, *Constitutional Politics in the Progressive Era,* p. 188.
59. *Ibid.,* p. 291.
60. Quoted in Trattner, *Crusade for the Children,* p. 171.
61. Abbott, *Child and the State,* p. 464. Even the cautious NCLC had jettisoned its incrementalist, Southern-sensitive strategy, causing new chairman David Franklin Houston, a Texan who was President Wilson's Secretary of Agriculture, to jump ship in 1923.
62. Fuller, *Child Labor,* pp. 7–8. The 1920 U.S. Census discovered 1.06 million children between the ages of ten and fifteen who were "gainfully employed" or who "con-

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tributed materially'' to the family income. (The total population for that age group was 12.5 million.) Of this million plus, 714,000 were boys and 346,000 girls. More than 60 percent—647,000—were engaged in agriculture. The rest worked as or in:

		% of total employed
Messenger & office boys/girls	48,028	11.6
Servants/waiters	41,586	10.1
Sales	30,370	7.3
Clerks	22,521	5.4
Cotton-mill operatives	21,875	5.3
Newsboys	20,706	5.0
Iron & steel industry operatives	12,904	3.1
Clothing industry operatives	11,757	2.8
Lumber & furniture industry operatives	10,585	2.6
Silk-mill operatives	10,023	2.4
Shoe factory operatives	7,545	1.8
Woolen-worsted machine operatives	7,077	1.7
Coal mine operatives	5,850	1.4
All other occupations	162,722	39.3

Resolution sponsor Israel Foster offered an expansive definition of child labor: ''the work of children under conditions that interfere with the physical development, education, and opportunity for recreation which children require.'' How can the arduous labor on a small farm *not* ''interfere'' with ''the opportunity for recreation''? *Congressional Record,* April 25, 1924, p. 7177.

63. *The Memoirs of Herbert Hoover* (New York: Macmillan, 1951), p. 102.
64. House Document 497, 68th Congress, 2nd Session, Judiciary Committee Hearings on the Proposed Child Labor Amendment to the Constitution of the United States, p. 160.
65. *Ibid.*, p. 161.
66. The Maryland witnesses, citizens of a state in which Governor Albert Ritchie and H.L. Mencken were very much in the bibulous mainstream, were soberly lectured by Rep. Earl Michener (R-Mich.) of the Judiciary Committee: ''Maryland . . . made the same protest against that constitutional amendment [the Eighteenth] because it was doing something for Maryland that Maryland did not want done.'' House Document 497, p. 134. One poor fellow, having watched every previous amendment foe be rebuked as Wet, began his testimony, ''I have never drunk a drop of beer, whisky, or wine in my life.'' *Ibid.*, p. 110.
67. To a lesser extent, ignorant immigrant men—Catholics and Jews and Italians and bohunks—were used as an argument for the Nineteenth Amendment. See Murray N. Rothbard, ''The Progressive Era and the Family,'' in Joseph R. Peden and Fred R. Glahe, eds., *The American Family and the State* (San Francisco: Pacific Institute for Public Policy Research, 1986), esp. pp. 122–27.
68. House Document 497, p. 104.
69. Clarence E. Martin, ''Shall Americanism Remain?'' *Commonweal,* April 13, 1934, p. 649.

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70. Marcet Haldeman-Julius, *Jane Addams As I Knew Her* (Girard, Kans.: Julius Publications, 1936), p. 3.
71. Quoted in the *Congressional Record,* February 2, 1916, p. 2025.
72. House Document 497, p. 159.
73. Lumpkin and Douglas, *Child Workers,* p. 237.
74. Quoted in Elizabeth Frazer, "Children and Work," *Saturday Evening Post,* April 4, 1925, p. 147.
75. House Document, 497, pp. 159–60.
76. *Congressional Record,* May 31, 1924, p. 9995.
77. Owen P. Lovejoy, "Helping the Farmer Through his Children," *Annals of the American Academy of Political and Social Science,* November 1921, p. 149; *Congressional Record,* April 25, 1924, p. 7178.
78. Quoted in Fuller, *Child Labor,* p. 41.
79. Quoted in C. Vann Woodward, *Tom Watson: Agrarian Rebel* (New York: Macmillan, 1938), p. 127.
80. *Congressional Record,* April 25, 1924, p. 7199. Lanham was one of the chamber's finer wits. He imagined a day when "above the fireplace, where used to hang the old familiar motto, 'What is home without a mother?' is another in its stead, which reads, 'What is home without a Federal agent?' and over the door [hangs] . . . another prayerful one, 'Bureau officer, bless our home.'" *Ibid.*, p. 7198.
81. *Congressional Record,* May 31, 1924, p. 9976.
82. *Ibid.*, p. 9963. There were still localists around; their case was nicely put by Missouri Congressman Harry B. Hawes: "We do not want men and women from outside of Missouri, who do not live there, who have no interests there, no local reputation, to be sent to our state to direct or regulate matters that are of purely local concern." *Congressional Record,* April 25, 1924, p. 7197.

    Cant dominated the debate, though wit made an occasional cameo. When Minnesota Rep. Oscar J. Larson asked John J. McSwain, "Does not the gentleman regard the children of the Nation as its most valuable resource?" the South Carolinian snorted, "Yes; but the children, if they are raised under a Prussianized system of submission to drill-sergeant methods of Federal control, will be of no value to America, I do not care how flushed their cheeks or how fat their forms." *Ibid.*, p. 7190. At least one Congressman dished out a heaping portion of apple pie. Millard E. Tydings (of Maryland, natch) asked plaintively, "Have we lost faith in the mothers of America—the mothers of the men who crossed the Alleghanies, settled the Western prairies, and bore the boys who fought the Revolutionary, Civil, and World Wars? Shame on us. No greater insult could be hurled at womanhood, sitting in the sacredness of her home, be it palace or thatched hovel, than to place over her these Federal agents." *Congressional Record,* April 26, 1924, p. 7305.
84. *Congressional Record,* May 29, 1924, p. 9859. The *Woman Patriot* was partly subsidized by Senator James and Alice Hay Wadsworth, who had previously bankrolled the National Association Opposed to Woman Suffrage. See Jane Jerome Camhi, *Women Against Women: American Anti-Suffragism, 1880–1920,* unpublished Ph.D. diss., Tufts University, 1973, p. 156.

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85. The extent to which both friends and foes of the Child Labor Amendment saw it as of a piece with its predecessor amendments is indicated by Montana Senator Thomas Walsh, who dismissed Nicholas Murray Butler as "a stubborn reactionary, who has never become reconciled to the adoption of the Eighteenth Amendment, and who lent no aid to, if he did not actually oppose, both the Sixteenth and the Seventeenth." Quoted in Abbott, *Child and the State,* p. 553.
86. *Congressional Record,* May 29, 1924, p. 9863.
87. Quoted in Sherman, "Rejection of the Child Labor Amendment," p. 7.
88. *Congressional Record,* June 2, 1924, p. 10,118.
89. Quoted in James T. Patterson, *Mr. Republican* (Boston: Houghton Mifflin, 1972), p. 100.
90. Quoted in Trattner, *Crusade for the Children,* p. 282.
91. *Ibid.*, p. 150.
92. *Ibid.*, p. 284.
93. House Document 497, p. 84.
94. *Congressional Record,* June 2, 1924, p. 10,091.
95. Fuller, *Child Labor,* pp. 24–25.
96. *Congressional Record,* May 31, 1924, p. 9969.
97. Quoted in *ibid.*, p. 9972. Maryland Congressman John Philip Hull saw where all this was leading: "If you pass this Child Labor Amendment, you can not consistently refuse to pass a marriage and divorce amendment, placing under the charge of the Federal government the closest and most fundamental relations of the home and of married life." *Congressional Record,* April 25, 1924, p. 7186. Bentley W. Warren made the same point in an influential essay, "Destroying Our 'Indestructible States,'" *Atlantic Monthly,* March 1924, pp. 370–78.
98. Charlotte Perkins Gilman, *The Home: Its Work and Influence* (New York: McClure, Phillips & Co., 1903), pp. 313 and 59–60.
99. *Ibid.*, p. 335.
100. Quoted in W.A. Robinson, "Child Labor Amendment in Massachusetts," *American Political Science Review,* February 1925, p. 71.
101. Quoted in *ibid.*, p. 71.
102. Quoted in Lumpkin and Douglas, *Child Workers,* p. 221. Lutherans were decisive in defeating the measure in Nebraska and Missouri. While Oregon was trying to shut down Catholic schools, Nebraska was prohibiting the teaching of any foreign language (read: German) to elementary students and the teaching in any foreign language to students of all ages. The Nebraska law was struck down by the Supreme Court in *Meyer v. State of Nebraska,* 1923.
103. On Kelley's headstrong pursuit of plutocrat signatures see Josephine Goldmark, *Impatient Crusader* (Urbana, Ill.: University of Illinois Press, 1953), pp. 118–19.
104. Quoted in Chambers, *Seedtime of Reform,* p. 45.
105. Fuller, *Child Labor,* p. 248.
106. Trattner, *Crusade for the Children,* p. 178.
107. Quoted in *ibid.*, p. 193.
108. Quoted in *ibid.*, p. 198.
109. Root had also been an active Wet, inspiring the witticism that Hires Root Beer had been renamed Beer Hires Root.

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110. Martin, "Shall Americanism Remain?" p. 650.
111. See Bromley, "Newspapers and Child Labor," p. 132. The most shameless volte-face was done by the *Chicago Tribune,* whose co-owner Medill McCormick had sponsored the amendment in the Senate.
112. Quoted in Trattner, *Crusade for the Children,* p. 204.
113. Abbott, *Child and the State,* p. 471.
114. *The Long Road: 40th Anniversary Report of The NCLC* (New York: National Child Labor Committee, 1944), p. 7.
115. Sherman, "Rejection of the Child Labor Amendment," p. 15.
116. Quoted in Johnson, *Borah of Idaho,* p. 188.

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Rashid on Adam Smith: In Need of Proof

by James C.W. Ahiakpor*

Salim Rashid (1990) purports to have established some facts about Adam Smith's scholarship, significant among which are (a) Smith's plagiarism, (b) the poor quality of Smith's arguments or ideas compared with those of his predecessors or contemporaries, and (c) Smith's inconsistent arguments regarding laissez faire. Alas, Rashid's case is faulty, as well as often misleading and vexatious. This comment is an attempt to draw the requisite evidence from Rashid, if he indeed has such evidence, to back up his case, and to advance the scholarship on Smith in general.

I. On Smith's Plagiarism

Rashid attempts to demonstrate that Adam Smith plagiarized the works of earlier scholars. Several authors have already argued that some of the ideas advanced in the *Wealth of Nations* (WN) did not originate with Smith, and Rashid makes the same point. What we do not have is proof of "copying" from a particular source. For that we need juxtaposition of texts to demonstrate the similarity, but Rashid does not provide this. Instead he insinuates, and leaves the reader to imagine that the copying occurred.[1] To readers who are not historians of economic thought, Rashid's style of argument can be intimidating. He leaves out relevant pieces of evidence from the article in question, while making several references to his own writings on Adam Smith, and this may cause some readers to accept his claims as valid on the basis of his own scholarship alone. For example, by omitting Smith's statement of having "*seen* a small manufactory . . . where ten men only were employed, and where some of them consequently performed two or three distinct operations" that increased their productivity (WN, pp. 8–9; emphasis

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added), Rashid creates the impression that Smith copied the idea of increased productivity through specialization in pin making from the French *Encyclopédie* (Rashid, p. 4.)

The closest Rashid comes to presenting adequate evidence for plagiarism is where he quotes passages from Smith and the pamphlet *A Discourse of the Commonweal* four pages apart (Rashid, 1990, pp. 3 and 7), interspersed with discussions of several other aspects of Smith's scholarship. But when one reads the texts in sequence, differences of emphasis regarding the stamping of coin and cloth become evident. While the text in the *Discourse* talks about cloth stamping having given some towns "great vent of their cloth and [they having] consequently prospered very well," the same argument is not given by Smith. The logic could be implied, but that is a different matter from claiming that copying of text occurred. And while the Smith text mentions "aulnagers and stampmasters," the *Discourse* does not. Besides, there was no theory advanced in the quote from the *Discourse* to be copied, but statements of common knowledge or experience. Would it be plagiarism if I stated that atheletes take steroids to enhance their stamina, or that carpenters sandpaper wood to make it smooth? Recall that government regulation of the quality of manufactures was one of the well-known tenets of mercantilism, meant to promote manufactured exports.

It is also difficult to read into either text a "justification for stamping money" (p. 3) or support for "government regulation of cloth manufacture" (p. 7). Does my statement that atheletes take steroids to enhance their stamina constitute an endorsement (or discouragement) of that activity? (I explain below why Rashid's reading of the text on the stamping of coin is both a misinterpretation and misrepresentation of Smith's view on government intervention in the economy.)

The argument that Smith must have copied from certain books because these books were in his library is also hardly satisfactory. Many people have several books on their shelves, including the *Wealth of Nations,* most of which they have not read; if we are to adopt Rashid's proof of plagiarism based on ownership of books, then many are going to be embarrassed. Now, it may well be true that copying does take place. But civility requires that people are held innocent of charges until convicted by weight of evidence.

Also, some writers may decide to credit their most influential teachers for ideas they espouse, and some may not. But I suspect it would be a most boring person who would go around always beginning or concluding an argument or observation with "as taught me by my teacher." Thus, if Smith

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was more influenced by Francis Hutcheson's lectures than his writings, it would be understandable that Smith would not cite him in the *Wealth of Nations*. George Montgomery's comment, quoted by Rashid (note 25, p. 22), that "[h]ad Hutcheson chosen to compile and to write rather than to lecture and to teach, the material obtainable from his notes would have left little ground for originality on the part of Smith," therefore could be taken more as vindication of Smith's style of citation than anything else.

But even that argument unduly credits Hutcheson's influence on the contents of the book, since Hutcheson argued (and taught) mercantilist policies. As quoted in Edwin Cannan's introduction to the *Wealth of Nations*, Hutcheson argued:

> Foreign materials should be imported and even premiums given, when necessary, that all our own hands may be employed; and that, by exporting them again manufactured, we may obtain from abroad the price of our labors. Foreign manufactures and products ready for consumption should be made dear to the consumer by high duties, if we cannot altogether prohibit the consumption; that they may never be used by the lower and more numerous orders of the people whose consumption would be far greater than those of the few who are wealthy. Navigation, or the carriage of goods foreign or domestic, should be encouraged, as a gainful branch of business surpassing often all the profit made by the merchant. This too is a nursery of fit hands for defense at sea. (WN, p. xlv)

Comparing the economics of Adam Smith and Hutcheson, Cannan concluded that "there seems no good reason for attributing to Hutcheson's influence the belief in the economic beneficence of self-interest which permeates the *Wealth of Nations*" (WN, p. xlvii), and "[i]t was not Hutcheson that inspired [Smith's] remark, 'it is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest'" (p. xlviii). Thus Rashid has little basis for creating the wrong impression that Smith owes much to Hutcheson, his teacher, whom he ungratefully failed to acknowledge.

It is also misleading for Rashid (1990, p. 2) to claim that Cannan uncovered "evidence of borrowing" by Adam Smith, which Cannan promptly went on "to dismiss out of hand," as constituting plagiarism. Cannan (WN, p. lii) credits Hutcheson and Bernard Mandeville for in different ways influencing Smith to conceive the role of self-love in holding an economy

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together. But he also notes that "[e]xperience shows that a general belief in the beneficence of the economic working of self-interest is not always sufficient to make even a person of more than average intelligence a free-trader." And among Cannan's reasons for concluding that "few authors are less open than Adam Smith to the reproach of having rifled another man's work" was the fact that Smith "actually quotes by their own name or that of their authors almost one hundred books" (p. liii).

Some writers also choose not to cite arguments they refute easily, especially if they do not wish to incur the displeasure of their opponents. Since Smith opposed the mercantilist policies of Hutcheson, he may have left his name out of the *Wealth of Nations* to avoid repeating the criticism he had made of Hutcheson in the *Theory of Moral Sentiments*. Smith also appears to have treated the views of Sir James Steuart in a similar manner: "I flatter myself that any fallacious principle in [Steuart's book] will meet with a clear and distinct confutation in mine" (Rashid, 1990, p. 13). Smith similarly treated Governor Pownall this way by not citing him in text. (From what Rashid restates of Pownall's criticisms, it appears the Governor did not quite understand Smith—for example, consider the passage where the Governor claims the market price is the "natural" price.) When Rashid criticizes Smith for not having mentioned Steuart or Pownall in the *Wealth of Nations*, he imposes on Smith his own style, which attributes to specific opponents views that are easily dismissed.

II. On the Quality of Smith's Arguments

In addition to accusing Smith of plagiarizing the views of his contemporaries and predecessors, Rashid adds that Smith's arguments were nonetheless of poorer quality than those he purportedly copied. In a sense this is perplexing: a copy should be at least as good as the original. But Rashid (1990, p. 4) appears bent on cutting Smith to "appropriate" size, that of "an individual of moderate analytical talents."

In stating the charge, Rashid again leaves some useful pieces of evidence to be conjured by the reader, making a good assessment difficult. One such case is the contrast between Bishop Berkeley and Smith on monetary theory. Instead of stating Berkeley's "advanced views on the nature of money and banking" (p. 15) to constrast directly with Smith's, Rashid pleads lack of space in the otherwise lengthy piece. Then he asserts: "[S]uffice [it] to say here that modern scholarship finds more to admire in Berkeley's monetary theories than in those of Hume or Smith" (p. 15). In fact, however, there

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inition of money, credit, and capital.[3] For example, Vickers (1975, p. 502) erroneously asserts that "Smith's doctrinal stance inhibited any adequate treatment of either the possibility of price level effects or the interest rate effects of an increased, or temporarily excessive, monetary circulation." A careful reading of chapters 2 and 4 of Book II of the *Wealth of Nations* would acquit Smith once the correct classical definitions of money and capital are used.

I also note that David Ricardo, one of the most brilliant expositors of monetary theory in the nineteenth century, did not mention Bishop Berkeley in the context of monetary analysis. Henry Thornton (1802), Mises (1912), and Keynes (1936) also have no mention of Berkeley. Similarly, Rashid (1990, p. 16) does not tell us who among "most modern scholars" agrees that Tucker had the best of Hume in the argument over the flow of gold in international trade, let alone reveal what Tucker's argument was. (It would also have been helpful to see the sort of evidence that leads Rashid (p. 13) to conclude that "one of Steuart's obituaries makes a thinly veiled reference to Smith as a plagiarist!")

At some points it seems Rashid decides which argument is more valid, not on the basis of demonstrated logic, but on what suits his taste. Thus he chooses what he calls Tucker's preference for "judicious interference by the state" (p. 17) over Smith's very limited role for government on the basis that there are inherent problems "in letting self-love run its course," ignoring the fundamental difference between self-love and selfishness. (The latter may actively frustrate others' attempts to get ahead while the former leads to competition without hinderance, and also is consistent with helping others when such behavior promotes one's happiness.) And without telling us what Tucker's "treatment of the institutional background of a market economy is" (p. 18), Rashid simply declares Smith's treatment inferior. Again, how is a reader to judge the validity of this assertion without requisite evidence? Although Rashid declares (p. 21, note 1) that he is not interested in debating the "correctness of doctrines," that is hardly a valid excuse for presenting his criticisms of Smith this way. Without assessing the correctness of doctrines there is little left upon which to judge their quality.

The role of Rashid's own bias, however, in judging the economics of Adam Smith is revealed when he tried to fault Smith's growth model. Rashid claims that "[w]ithout some way of asserting that luxury expenditures were not essential for full employment, Smith would have been hard-pressed to justify a system of accumulation and growth based on frugality" (p. 12). Now, Smith had a valid theory of interest rate determination (see Ahiakpor,

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are few references to Bishop Berkeley's monetary theory in the literature. I checked five texts in the history of economic thought from which I teach, several on money and banking, and macroeconomics, including Friedman (1969), Laidler (1975), Backhouse (1985), Rima (1986), Hollander (1987), Dorn and Schwartz (1987), and Arestis (1988). I found only two mentions of Berkeley's "superior" monetary theory. One is a passing reference to Berkeley's belief that money stimulates trade (Ekelund and Hébert, 1990, p. 135). The other (Blaug, 1985, p. 22) also mentions this argument but in criticism: "There is insufficient recognition in the writings of [John] Law and Berkeley of the real problems of a dominantly agrarian economy, problems that cannot be cured simply by cranking the monetary pump. Adam Smith and Ricardo may have overemphasized thrift and enterprise, but their skepticism about monetary panaceas was well taken in the circumstances of an economy suffering from scarcity of capital and chronic structural unemployment."

Why should we not choose Hume's, Smith's, or Ricardo's arguments on the (temporarily) stimulative effects of monetary expansion over Berkeley's? The fallacy that increasing the money supply permanently promotes economic growth is now too well recognized to be debated. As Ricardo so well disposed of that falsehood: "[N]o nation, but by similar means, could enter into competition with us, we should engross the trade of the world," if an increase in the money supply by banks could permanently provide real economic growth. He added: "To what absurdities would not such a theory lead us!" (Ricardo, 1951–52, vol. 3, p. 92).

What, then, constitutes the "modern scholarship" that establishes the superiority of Berkeley's monetary theory? Surely not S. G. Checkland and Douglas Vickers, mentioned by Rashid (1990, p. 2 and p. 3, note 21), since their 1975 essays do not disparage Smith's scholarship in monetary analysis, as Rashid suggests.[2] Indeed, I doubt that Checkland and Vickers would like to be drawn into the kind of controversy Rashid provokes. Checkland (1975) does not even mention Berkeley, but had this to say about Smith and Steuart: "Both Steuart and Smith can be accused of allowing the demands of their general systems of thought to affect their presentation of banking. Both left some important theoretical issues unbroached and both left some unresolved. But taken together they provide a most illuminating dichotomy, perhaps the best theoretical starting point for a consideration of pre-industrial banking, and not without relevance for the later times" (Checkland, 1975, p. 523). Vickers is a little more critical of Smith's monetary analysis, but his views seem to have been founded partly on a misinterpretation of Smith's defi-

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1990), which assures that frugality and capital accumulation affect interest rates and promote the growth of investment. Thus the presence or absence of luxuries in an economy is no invalidation of a theory of growth based on frugality or savings. Of course, Malthus, Keynes, and others have failed to appreciate the logic of Smith's theory of interest, as later elaborated by Ricardo, J.S. Mill, Alfred Marshall, and D.H. Robertson. Evidently, Rashid does not appreciate this aspect of Smith's economic analysis.

Rashid (1990, p. 13) also prefers the "methodological eclecticism" of Steuart and some modern commentators (including development economists?) over a methodological purity that suggests the universal relevance of economic policy while considering the specifics dictated by institutional detail, as Mill (1874, pp. 120–64) so well argues. But why must we choose Rashid's taste for eclecticism over purity, especially when such eclecticism underlies the denial of universally applicable economic laws, and has thus encouraged several development economists advising Third World governments to recommend inconsistent policies in these countries?[4]

III. Smith's Inconsistency on Laissez Faire

Smith's admirers may find proof of his inconsistency towards laissez-faire policies disturbing. Rashid claims to have demonstrated that inconsistency with the quote regarding the stamping of coin and cloth. But the evidence Rashid presents justifies no such conclusion. Twice Smith mentioned the stamping of cloth in the *Wealth of Nations*, and in neither of these instances was he addressing primarily the cloth manufacturing industry or justifying government regulation.

In the first instance, contained in the passage quoted by Rashid (1990, p. 3), Smith was describing the *evolution* of coinage when he made the statement, "Hence the origin of coined money and of those public offices called mints; institutions exactly of the same nature with those of the aulnagers and stampmasters of woollen and linen cloth," in a chapter entitled "Of the Origin and Use of Money" (WN, book I, ch. 4). After the description, Smith went on to accuse "princes and sovereign states" of committing fraud on the people through their debasement of coins.

> [I]n every country of the world, I believe, the avarice and injustice of princes and sovereign states, abusing the confidence of their subjects, have by degrees diminished the real quantity of metal, which had been originally contained in their coins. . . . By means of those operations the princes and sovereign states which performed them were enabled, in

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> appearance, to pay their debts and to fulfil their engagements with a smaller quantity of silver than would otherwise have been requisite. It was indeed in appearance only; for their creditors were really defrauded of a part of what was due to them. (WN, pp. 31–32)

That hardly reads like Smith endorsing the stamping of coins by governments.

In the second instance, Smith was criticizing the practice of long apprenticeships to assure high quality manufactures. Smith correctly observed:

> The institution of long apprenticeships can give no security that insufficient workmanship shall not frequently be exposed to public sale. When this is done it is generally the effect of fraud, and not of inability; and the longest apprenticeship can give no security against fraud. Quite different regulations are necessary to prevent this abuse. The sterling mark upon plate, and the stamps upon linen and woollen cloth, give the purchaser much greater security than any statute of apprenticeship. He generally looks at these, but never thinks it worth while to inquire whether the workman had served a seven-year apprenticeship. (p. 136)

Smith could have gone on to talk about fraud with stamps on cloth, but did not. Thus at worst, Smith may be guilty of omitting that relevant discussion; but it is a misrepresentation of his views to claim, as Rashid does, that Smith supported government regulation of cloth quality by stamping it for authenticity, on the basis of this or the other passing reference he made to the practice.

IV. Conclusion

It is well known that Adam Smith neither originated, nor had the final word on, every economic proposition contained in the *Wealth of Nations.* Indeed, it was to correct Smith's errors or oversights on "many important truths" that David Ricardo wrote his *Principles,* as he states in the Preface. But we need evidence to establish that Smith was "simply an individual of moderate analytical talents who was obsessed with one idea—Free Trade—and boundless ambition," as Rashid (1990, p. 4) suggests, traits that led him to plagiarize the works of others while producing poorer quality work than the originals. I argue here that Rashid has not succeeded in providing that evidence. I hope I have cast sufficient doubt on his argument, and asked the right questions to elicit from him proof of the serious charges he lays against Adam Smith.

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Notes

1. Juxtaposition of texts is a more helpful guide to ascertaining plagiarism than ruffling through a dead author's papers for evidence. The fact that Smith caused his papers to be burned before his death may well reflect his acute sensitivity "to the opinion which posterity would hold of him" (Rashid, 1990, p. 5), but it does not prove that he wanted to hide evidence of plagiarism.
2. From Ekelund and Hébert (1990), I also find references to Checkland (1949, 1951) and Vickers (1959), which hardly count as modern scholarship.
3. For elaboration on Smith's definitions, see Ahiakpor (1990).
4. See, for example, Todaro, 1989, and Lal, 1983.

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Adam Smith and Neo-Plagiarism: A Reply

by Salim Rashid*

In describing Adam Smith's acknowledgments as "neo-plagiarism" (Rashid, 1990), was trying to characterize a situation where a scholar either borrows ideas from others but provides no acknowledgment, or had access to fruitful and important ideas yet seems to have ignored them. These can be two quite different issues, and I am indeed guilty of inadequately distinguishing between them. A scholar who commits either error is diminished in stature—but in very different ways. Failure to acknowledge diminishes the man but does not hurt the theory, while a reluctance to meet the opposition head-on suggests both a weakness of argument as well as an inability to face unpleasant truths. Adam Smith used the memorable words about self-interest: "[I]t [the desire of bettering our condition] comes with us from the womb and never leaves us till we go into the grave." If Smith is right, the irresistible long-run victory of self-interest should also show itself in his own case. Why can we not apply the ordinary standards of self-seeking behavior that economists have applied *ad nauseam* to marriage, divorce, crime, and the like, to a person's desire for fame? After all, Smith's own career shows indifference to neither wealth nor position.

James Ahiakpor's (1992) request for evidence has a tongue-in-cheek air to it, as is evident from his first paragraph where he ends his request with the qualifier "if he [Rashid] indeed has such evidence" (p. 171). Ahiakpor's comments reflect a much wider—indeed, the generally prevalent—attitude toward Adam Smith and the *Wealth of Nations*. Almost everything I thought to be of significance, he has passed over. The points he has chosen not to challenge are of far greater importance than the issues Ahiakpor raises. Let me first deal briefly with the general inadequacies of Smith scholarship,

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which are so prevalent that it would be pointless to "blame" Ahiakpor or any one individual for them. The second section deals directly with Ahiakpor. The two sections can be read independently.

I. The Literature on Adam Smith

A sound understanding of microeconomics existed in Smith's time, and he fell below the standards of his age in this important and most basic field. Reference to this existent knowledge was bypassed by Smith's admirers because Smith claimed to have provided two truths of overwhelming importance: (a) labor (not money, as in Mercantilism, or land, as in Physiocracy), is the true source of wealth; and (b) free trade between countries maximizes the wealth of nations. There are some ambiguities and defects with his espousal of free trade; but, basically, this is the *only* point where Smith not only used, but went *beyond,* his contemporaries. On *almost every* other issue, from theories of pricing, to the theory of interest and capital theory, Smith made serious errors *relative to the state of knowledge in the 1770s,* and his authority barred further progress for nearly a century. The three following questions are the most important issues for consideration.

First, the central role of free trade in the *Wealth of Nations* makes it critical to provide support for the claim that Smith had an *argument* for free trade before the Physiocrats. Why do Smith scholars not see this lacuna but instead spend their time trying to discover Smith's brand of toothpaste?[1]

Second, since the espousal of international free trade is such an important part of the *Wealth of Nations,* how does Smith's *policy* differ from that of the "free-port" advocates such as Sir Matthew Decker? Does not the use of the word "natural" to describe market price already indicate support for the market? (This is the important point Pownall raised.) Was there not an eighteenth-century policy presumption *against* interference, because the experience of ages had shown the futility of controls?

Third, to substantiate his own originality and profundity, Smith claims (and insinuates) that all prior policy was based on the belief that only money was real wealth. Smith's *Lectures on Jurisprudence* show his awareness that this use of the balance of trade as the touchstone of economic policy began only after 1660. It happened to be related to Anglo–French political disputes. I do not know how closely Smith read the eighteenth-century literature, but he could have (and as a professor on such topics, he should have) seen that the English pamphleteers became more concerned with

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with employment after 1720 and that the Irish School vehemently rejected the identification of gold and wealth. Furthermore, Smith did pay attention to the changes in meanings of a given word, and if he had analyzed wealth in that way he would have seen that in the 1680s "wealth" meant *both* wealth (i.e., material wealth) *and* power. Smith's sarcasm about the Mercantilists was either ignorant or malicious—it is up to the reader to decide which.

Book I, then, contains no worthwhile microeconomic theory; Book II contains erroneous capital theory. Book IV has the justly famous chapters on international trade, followed by an analysis of colonies based on a false (Mercantilist?) theory of capital allocation; Book V (in its economic analysis) is a humdrum review of existent principles of taxation. Oh yes! But we are not to consider Smith only as an economist. He was a moral philosopher. His knowledge encompassed literature, science, sociology, and much more. Look at the marvelous treatment of the economic development of Europe in Book III. This is history—perhaps not quite as it happened, but rather as it could have happened, which is why it is called "conjectural history." Those who want us to admire Book III should also tell us if we have moved one step beyond Aristotle's definition of poetry?

> It is also apparent from what has been mentioned that the function of the poet is not to speak of incidents which have come to be, but rather of incidents which might come to be, i.e. what are possible by virtue of either the likely or the necessary. For the historian and the poet do not differ in speaking in meters or without meters. . . . Rather they differ in this, that while the former speaks of incidents that have to be, the latter speaks of incidents that might come to be. On this account [the process of] making is both more philosophic and more worthy than history, for making [i.e., poetry] speaks more of universals while history speaks more of particulars. (*Poetics*, ed. K. Telford, 17)

II. Ahiakpor and the Issue of Plagiarism

Ahiakpor uses the word "evidence" rather loosely. In some cases, he does conform to the usual meaning of providing a corroborative fact or source, as in the accusation of plagiarism by Steuart's obituarist. A good many of Ahiakpor's points are actually indications that he is neither familiar with the current state of Adam Smith literature, nor is willing to read the other articles I have written. As a result, I am faced with items as disparate as defining what constitutes "borrowing" to providing the "demonstrated logic" of societal institutions which support a market economy.

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Ahiakpor correctly notes that several authors have already argued that some ideas advanced in the *Wealth of Nations* (WN) did not originate with Smith. Indeed, I would be very happy with the charge that I had nothing new to offer, but was only gathering and systematizing what already existed in the literature. Since Ahiakpor does not go on to complain about the earlier critics, I must assume that I have done something wrong that they managed to avoid. I am charged as follows:

> What we do not have is proof of "copying" from a particular source. For that we need juxtaposition of texts to illustrate similarity, but Rashid does not provide this. Instead he *insinuates*, and leaves the reader to *imagine* that the copying occurred. (Ahiakpor, 1992, p. 171; emphasis added)

Insinuating my case is the first charge and failing to adduce corroborative passages in the second. Now, Adam Smith was a masterful insinuator, and I may be an unwilling pupil. I wish to continue being a wayward pupil and provide the following quotes from my paper (Rashid, 1990) as evidence for what I meant.

> I shall consider just how far the *Wealth of Nations* would have been modified if Smith had followed a more liberal practice with respect to his acknowledgements. (p. 1)
>
> To accuse an academic of unscholarly standards is always a serious matter. (p. 2)
>
> Not only does Smith copy the reasons given for the benefits of state-regulated coin, he even goes on to copy out the concluding sentiments regarding the sealing of cloth. (p. 7)

There may well be several other remarks to this effect, so I will only quote the first sentence of the concluding section.

> Adam Smith's peculiar habit of acknowledging predecessors as little as possible where issues of substantative theory were involved is all the more extraordinary in view of Smith's jealousy about this own priorities. (p. 20)

If it is still true that I have insinuated what I should have said, I apologize most sincerely; while there is no harm in using irony and sarcasm, carrying out an argument solely through innuendo is detestable. Second, I *did* quote

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directly from the *Discourse* and the *Reflections* as well as providing quotes from the *Wealth of Nations*. Perhaps Ahiakpor does not find the passages to be sufficiently similar, but this is a different issue. Apparently, the texts are not similar because the *Discourse* refers to the increase in sales and prosperity of towns; these points, Ahiakpor claims, are not mentioned in the *Wealth of Nations*. However, in the middle of the quote I provided, Smith speaks of public stamps as needed in order "to facilitate exchanges and thereby to encourage all sorts of industry and commerce." Is this not the same point as the *Discourse?* To say that "there was no theory advanced in the *Discourse*" is a rather ahistorical statement. By the standards of modern general equilibrium theory, does the *Wealth of Nations* contain any correct propositions? If we follow Ahiakpor's methods, in the limit, only items explicitly marked "theorem—proof" would be accepted.

The same ahistorical approach comes out in the references to books themselves. The figures I discussed—Hutcheson, Wallace, Berkeley, Tucker, Steuart—were all men of some distinction in their own times. Even if we had no other evidence that Smith had read their books, it would still be reasonable to claim that Smith knew of the works of such figures. Ahiakpor not only ignores my qualifying phrase "I shall try to remain on the safe side" but also misses the historical context of the discussion.

The choice of the word "neo-plagiarism" was dictated by the thought that only stupidity—or excessive haste—would lead someone to copy *directly* from a source. So plagiarism in the ordinary sense of the word is not even very interesting. How, then, does a clever, ambitious person borrow? Much as a wise man will hide a leaf: in a forest. The entire object of the exercise is thus to present the borrowed idea in such a way as to awaken no suspicion of its source. Now copying directly any major point is asking for trouble—Smith did so from the *Encyclopédie* and Adam Ferguson appears to have brought the point to his attention. Therefore, we would expect all major issues to be well-disguised. If the mask slips at all, it would be on an occasion where the author is hurrying to make a different point. Detecting such instances requires a minute reading of the text; indeed, it is all too possible to read things into a text that were never there. The procedure obviously requires care.

In Adam Smith's case, we find several instances where Smith borrows, adapts from like-minded authors, or distorts his opponents' views. There was nothing to stop Smith from crediting his teacher Francis Hutcheson where he agreed with Hutcheson and criticizing Hutcheson where he did

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not. Hutcheson's *Lectures* were posthumously published and a few footnotes would have sufficed. Why Ahiakpor chooses to caricature this situation I cannot fathom.

> Also, some writers may decide to credit their most influential teachers for ideas they espouse, and some may not. But I suspect it would be a most boring person who would go around always beginning or concluding an argument or observation with "as taught me by my teacher." (Ahiakpor, 1992, p. 172)

More remarkable is the ding-dong battle over Berkeley. Edwin Cannan devoted many years of his life to studying (and admiring) Adam Smith. In Cannan's opinion the two most important points raised by the *Wealth of Nations* were (a) the nature of wealth and (b) concern for the common man. In his footnotes, Cannan shows that *both* these points could easily have been derived from Berkeley's *Querist*. Ahiakpor passes over this major issue in silence.

Was there considerable merit in Berkeley's views on money? We have a red herring to get us started. Ahiakpor writes: "The fallacy that increasing the money supply permanently promotes economic growth is now too well recognized to be debated" (p. 175). Alas, "[t]he indefinite accumulation of money" is a storm cloud that has terrified many a lover of the *Wealth of Nations*, but how Ahiakpor reads this into Berkeley is beyond me. Jacob Viner once said such things of mercantilism but later in life he doubted its correctness. Perhaps other lovers of free enterprise will see fit to read as much and as carefully as Viner.

Ahiakpor finds a lack of both due form and substance in my argument. If the form of my argument stated that Berkeley's superior monetary theory was *generally* recognized, then I certainly stated something wrong. What I wanted to say, and what I think the context bears me out as having said, is that those recent scholars who had examined Berkeley's monetary views found more to admire in him than in Smith. Ahiakpor wants details—"Rashid pleads lack of space in the otherwise lengthy piece" (p. 174). If my references support the substantive claim then this is all that could be asked of me. This is precisely what Ahiakpor denies.

> What, then, constitutes the "modern scholarship" that establishes the superiority of Berkeley's monetary theory? Surely not S. G. Checkland and Douglas Vickers, mentioned by Rashid (1990, p. 2 and p. 21, note 3), since their 1975 essays do not disparage Smith's scholarship in monetary analysis, as Rashid suggests. (p. 175)

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The two substantive issues here are Smith's theoretical framework of monetary analysis and his perception of the facts of Scottish banking. The only recent book-length study of the monetary economics of this period available to me was by Douglas Vickers (1975)—presumably this is why he was asked to write the bicentennial essay—and I thought it enough to use him as reference.[2] Here is Vickers's summary of Smith's monetary theory:

> In the 100 years preceding the appearance of *Wealth of Nations* considerable development had occurred, and a high degree of analytical sophistication had been reached, in the theory of money. The status to which the theory had attained and the structure of monetary thought in the eighteenth century determine the theoretical vantage point from which our assessment of the monetary theory in Adam Smith's classic work must be considered.
>
> Smith, it will be argued at some length, did not embrace the perspectives or develop further the monetary dynamics of the more prominent of his predecessors, Cantillon, Hume, and Steuart, for example, and *many of the potentially fruitful theorems which were extant before his time unfortunately languished.* (p. 418, emphasis added)

When we turn to Checkland (1975), we find Ahiakpor quoting Checkland's closing words.

> Both Steuart and Smith can be accused of allowing the demands of their general systems of thought to affect their presentation of banking. Both left some important theoretical issues unbroached and both left some unresolved. But taken together they provide a most illuminating dichotomy, perhaps the best theoretical starting-point for a consideration of pre-industrial banking, and not without relevance for later times. (p. 523)

I do not quite see how this rescues Smith's fame. What Checkland tells us is that neither Smith nor Steuart was perfectly right and that when juxtaposed, they provide an illuminating dichotomy. But who is the head and who is the tail of this Steuart–Smith beast? Checkland is too polite to tell us. Let the reader remember that these are bicentennial essays, where no one wishes to call the bride ugly.

Checkland does address Smith's factual accuracy (does Ahiakpor count this as scholarship?) at several points, two of which are worth quoting. First, on Smith's view of the Scottish banking system, he notes that "[t]his view of Smith's is difficult to reconcile with the real situation in Scotland"

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(p. 514). Second, on the four maxims for good banking suggested by Smith, he says: "These rules were not of course original with Smith: All but the fourth were the standard canons of Scottish banking, though not of course always or necessarily the practice" (p. 504). Could Smith have found a tiny footnote in his magisterial work to remind us of the last fact?

Now that I have set out the structure of my argument, I hope it will be clear why I gave reference only to Checkland and Vickers. Contrary to Ahiakpor, I believe their articles do disparage Smith's scholarship on monetary analysis.[3] However, this does not do justice to Ahiakpor. It *is* true that neither Checkland nor Vickers explicitly compares Berkeley and Smith. I should have contrasted the monetary thought of the school of Law–Cantillon–Berkeley with that of Smith. If this were an article for the general economist I would feel much more guilty than I do, but I thought I was writing for scholars who read my piece with prior knowledge and with what the hermeneuticians call "pre-understanding."

Ahiakpor's reaction to the account of the division of labor in the pin factory is truly novel. Edwin Cannan, whose work I relied on, did provide the direct quote from the *Encyclopédie* in the footnote, and why Ahiakpor chooses to credit me with this is a puzzle. Ahiakpor (1992, p. 171–72) goes on to state:

> He leaves out relevant pieces of evidence from the article in question, while making several references to his own writings on Adam Smith, and this may cause some readers to accept his claims as valid on the basis of his own scholarship alone. For example, by omitting Smith's statement of having "*seen* a small manufactory . . . where ten men only were employed, and where some of them consequently performed two or three distinct operations" which increased their productivity (WN, pp. 8–9; emphasis added), Rashid creates the impression that Smith copied the idea of increased productivity through specialization in pin making from the French *Encyclopé*die.

If Smith's having *seen* a pin factory at work is sufficient evidence for us to ascribe the benefits of the division of labor as Smith's own theoretical contribution, what would we do if Smith had prefaced his account of gravity with the claim "I have myself seen an apple fall"!

Notes

1. With apologies to that rare scholar, W. R. Scott. Incidentally, in view of F. A. Hayek's high praise for Professor J. Jastrow's article in the *Zeitschrift für Nationalökonomie* (1937), why has no one yet translated this article, or at least summarized it?

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2. There are also some articles specifically on Berkeley, by T. W. Hutchinson (1953) and by Joseph Johnston (1953), which make a strong case for Berkeley.
3. It is not that Ahiakpor objects to references to the literature. He is quite content to refer us to Ahiakpor (1990) on the contested issue of whether Smith's theory of interest rate determination is correct.

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Book Review

Atheism, Ayn Rand, and Other Heresies. By George H. Smith. Buffalo, N.Y.: Prometheus, 1991. 324 pp.

George Smith's remarkable new book is easy to read but difficult to review. From the time I first met George Smith (if memory serves, near the end of 1978), I have been impressed by his extraordinary intellectual range and erudition. The book displays these qualities to a high degree. It is a collection of essays, and includes historical work, philosophical argument, and an assessment of contemporary issues. What is a reviewer to do, faced with such an abundance? Rather than comment on each essay, a task that far exceeds my powers, I will concentrate on the philosophical pieces. This in itself is not easy, since the book includes arguments on religion, ethics, and political philosophy.

The book opens with a section on atheism, the subject of the author's earlier book, *The Case Against God.*[1] After an engaging biographical account of his adoption of atheism, he proceeds to its defense. Just as in his first work, Smith places great stress on the proper definition of atheism. An atheist, in his usage, need not deny that God exists: The absence of belief is sufficient. "An atheist is a person who does not believe in the existence of a god" (p. 35). The issue to Smith is much more than semantic; he thinks a crucial philosophical issue is at stake. Since an atheist need make no claims about God, it is up to the believer to prove his case. "The theist, or god-believer, asserts the existence of a god and must prove the claim. If the theist fails in this task, reasonable people will reject the belief as groundless" (p. 63).

Yet this will not do, for the following reason. Suppose one defines an "antitheist" as someone who denies that God exists. A theist is then someone who lacks this belief. He need not believe that God exist: He need only fail to have the antitheistic belief that it is not the case that God exists. The burden of proof here is on the antitheist—the theist is within his intellectual rights in refusing to become an antitheist. If Smith's argument works, so does this one.

What has happened? I suggest that the statement "*S* does not believe in God" is ambiguous. It may mean that on the list of all *S*'s beliefs—his "belief set"—"God exists" is not included. Taken this way, "*S* does not believe in God" makes no substantive claim about God; it instead reveals something about *S*.

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The proposition may, however, be construed differently. In this interpretation, *S* does have some belief about the existence of God; for example, "God does not exist," or "It is unlikely that God exists." If the proposition is taken this way, then the atheist, just as the theist, has made a claim about the world. To the extent someone who makes an assertion has a burden of proof, he bears it as much as someone who asserts that God exists. Smith's claim of a difference between theist and atheist, as regards the burden of proof, is plausible only if an atheist makes no claim whatever about God. Since he has said nothing about God, he of course has no obligation to prove anything about Him.

Furthermore, as usual in philosophy, there is a complication. A belief that mentions God need not be about Him. Suppose that *S* has this belief: "I do not know whether God exists." This seems best taken as a claim that *S* makes about himself. Aside from this and similar examples, however, the point made earlier holds. If an atheist makes a claim about God, he is under no less a burden of proof than the theist. Nothing that has been said so far implies that there is an obligation of proof on either the theist or atheist: The claim made above is that there is no *difference* in burden of proof.

Smith's definition of atheism will not gain for him the epistemological advantage he wants. But how does it stand strictly as a definition? Here the verdict is mixed. Smith is quite rightly alert to the objection that he has advanced a "stipulative" definition. A stipulative definition deviates from standard usage in order to characterize a concept in a question-begging manner. Many socialists, for example, refuse to count oppressive regimes as truly socialist. By definition, a centrally planned economy will promote liberty; counterexamples have been ruled out by a stroke of the pen.

Smith relies on his vast knowledge of the free-thought movement to show that his definition of atheism is not aberrant. Though this is good evidence that his definition is not stipulative, a more important question remains: Is his definition of atheism worthy of adoption? I do not think it is, at least in unmodified form. If someone has never thought at all about God, it seems to me odd to characterize such a person as an atheist. Further, think of someone with this view: "I am not sure whether God exists, but I certainly hope so." It strikes me as quite unusual to term this person an atheist. But both are atheists on Smith's definition.

Suppose, however, that I am mistaken, that Smith's definition of atheism is plausible, and that he is also correct that the theist bears a burden of proof the atheist does not. It is unclear how helpful this is to him, as against his more circumspect atheist colleagues. Smith does deny that God exists: The burden of proof argument will not help him. I wonder why he has made such a fuss about the definition of atheism.

Before bidding this matter a fond farewell, I pause for a moment over an exercise in philology Smith offers in support of his definition. The prefix "a" in Greek

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is a privative particle: How exactly should it be taken in "atheism?" If it means "without," then Smith's view receives confirmation: If it means "not," then the view that atheism means the denial of God's existence is supported. Not so, Smith explains: "But consider; even the negative sense of 'a' doesn't by itself give us the definition [the denial that God exists] . . . 'a-theism,' with the negative 'a' translates into 'no-belief in a god or gods.' Here again, we have an essentially privative definition—atheism as the *absence* of theistic belief" (p. 58). Does he really think that the Greek prefix attaches to the English word "theism" rather than to *theos* (god)?

I have so far maintained that no special "burden of proof" devolves upon a believer in God. A much more important question now arises: What exactly must either a theist or atheist attempt to prove in order to be within his epistemological rights? In Smith's view, one cannot reasonably believe on faith that God exists. "Faith conflicts with reason" (p. 63). As already mentioned, he believes that if the theist fails to prove his claim that God exists, "reasonable people will reject the belief as groundless" (p. 63). He does not extensively discuss the irrationality of belief on faith. Judging by his earlier book, however, one can safely say that his contention is this: In order to be justified in believing something, one needs argument or evidence supporting one's belief. But faith, by definition, does not rest on grounds. Therefore, it is unjustified to believe something on faith, and people who do so are to that extent irrational.

This argument has problems at its initial premise. For convenience, let us term the position that one needs argument or evidence to be justified in one's belief the "Clifford principle," after the great nineteenth-century mathematician W. K. Clifford, who advocated it. If the Clifford principle itself is correct, then by its own terms some argument or evidence is required in its support: None is offered.

Maybe the Clifford principle is supposed to be self-evident. I can only say that its evidence escapes me. If a particular view of religion strikes someone as plausible, why is it unreasonable for him to accept it? If he refuses to entertain arguments against his beliefs, that is another matter; but to condemn someone as irrational just because he violates an unsupported principle is itself hardly reasonable. Perhaps, though, Smith does have in mind an argument against faith. He is philosophically a follower of Ayn Rand, if not of the strictest observance, and she argued roughly along these lines: Reason is the key tool of man's survival. If one uses some other means than reason to arrive at one's beliefs, one is acting against reason. Such conduct is anti-human, since it impedes human survival.

This time it is the second premise that is questionable. Why is one acting irrationally if he arrives at a belief without evidence or argument? It is of course a poor response to say that one is believing on the basis of an irrational method: Just the point at issue is whether whatever is not arrived at by argument or evidence is

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irrational. Smith uses the distinction between *denial* and *lack of affirmation* as the key to his definition of atheism. An analogous distinction seems to apply here.

Although I cannot accept the main points of Smith's approach to atheism, then, many of the essays in Part I of the book do nonetheless contain valuable insights. His article on the deists is particularly well done, using his immense learning to full advantage. He sees many of the deists as covert atheists. His interpretation of Lord Herbert of Cherbury (p. 133) can usefully be contrasted with Eric Voegelin's, which stressed Herbert's mysticism. Also not to be missed is a bibliographical essay on free thought. Smith includes a section on "Jesus revisionism," the denial that Jesus of Nazareth existed. It is unclear whether Smith himself holds this position, which nearly all Biblical scholars reject.

Even in the historical essays, however, the author runs into problems when he touches on philosophy. In an interesting account of religious persecution, he states: "Calvin believed in predestination so he recognized that persecution is powerless to win converts" (p. 109). It does not at all follow that if one believes in predestination, one will think efforts at conversion, forcible or not, to be useless. Unless someone claims to know which people God has predestined to salvation, nothing excludes the possibility that those to whom one preaches are among the elect. If so, then the preaching may be the occasion for their conversion. It does not follow from "*X* is predestined to be saved" that "Even if *X* had not been converted at time *t*, he would have been saved." Furthermore, this point has more than theoretical importance, for the position Smith attributes to Calvin ignores Calvin's discussion in Book 3 of the *Institutes*.

Part II provides a sympathetic account of Ayn Rand's views. Smith shows how Rand took over theories of earlier philosophers, combining them in a way that resulted in a significant viewpoint of her own. He also makes penetrating observations about the "moralism" of certain Randians.

I am afraid, though, that this section suffers from the same deficiency as the first: The author's excursions into philosophy simply fail to come off. For example, he endorses one of Rand's question-begging arguments against skepticism. Correctly noting that a thought must have an object, Rand hastily concluded that this demonstrates that the external world exists. The argument, in brief, is this: I am conscious of *X*. My consciousness is not identical with *X*: The latter is the object of my thought. Thus, while my consciousness is mental, *X* is not.

This argument fails at its last step. All that one is justified in concluding is that *X need* not be mental: Whether it is or not is left open. One can certainly think of things that do not actually exist, such as centaurs, unicorns, John Galt, and so on. The Randian reply to this, I assume, is that one obtains the concepts of imaginary or fictional entities through abstraction from actually existing things. Hence a thought about Sherlock Holmes, for example, presupposes earlier acquaintance with novels in which he appears or conversations in which he is described. Thus

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even thought about fictional beings requires perception of the actual world. Perhaps so; but this is a new argument. The point remains that one cannot refute skepticism just from the intentionality of thought, Rand and Smith notwithstanding.

In Smith's defense, he merely cites this argument briefly; I may be making too much over a passing remark in his account of Rand's thought. Unfortunately, the same cannot be said about his treatment of ethics. My principal objection here lies not with the ethical egoist theory that Smith defends. It instead concerns the way in which he conceives the task of providing a foundation for ethics. A parallel with the theory of knowledge will clarify what is at issue. When philosophers discuss skeptical arguments, their purpose is theoretical. They do not in their ordinary lives doubt that the external world exists, nor does anyone seriously entertain the possibility that he alone has a mind. The problem of constructing a justification for common-sense beliefs raises questions of extraordinary interest; but, once more, little in "real life" turns on the outcome of these inquiries.

Moral philosophy exemplifies a similar situation. If one asks why people obey the rules of morality, one can take this as a causal question. Here psychology and sociology are relevant factors, and matters such as the way people have been raised play a key part in the answer. But the philosophical issue is of course quite different. The question "Why be moral?" asks, "What rationally justifies morality?" The separation between theory and practice here lacks the completeness of that between epistemology and belief in an external world. One's view of moral theory can change one's practice, and philosophers often try to ground theoretically views compatible with their own moral inclinations. But, just as with epistemology, our behavior does not wait on philosophy. Philosophers do not give up morality, pending their solution to the problems of moral theory.

George Smith rejects this antithesis. Unless one can ground moral practice on an ethical egoist basis, he claims, morality flies out the window. "[T]here can be no breach between that which is moral and that which will enhance one's happiness" (p. 226), where happiness refers to "an expected emotional response" (p. 225). Again, what seems to me significant here is *not* the ethical egoist theory he advances, which is one of the standard options in the literature. It is his attempt to make the actual observance of morality dependent on showing a concrete link between moral imperatives and personal happiness. I can only say that if you meet someone who fully lives by this view (and I do not believe for a moment that Smith does), you had better watch the silverware.

Ethical egoism can of course be viewed as a moral theory as well as a guide to practice. In an illuminating discussion of this Smith locates a tension in Rand's views. On one account, she claimed that the basis of morality is man's nature as a rational being: From this essence, binding precepts follow. At other times, she suggested that moral principles guide those who wish to achieve happiness. As one might expect, Smith favors the latter position; the former is "moralistic."

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One competing theory to ethical egoism contends that moral principles stand in no need of prudential justification. Either through direct inspection, or by deduction from self-evident truths, moral rules can be shown to be binding. Smith chooses to caricature this position: "A rule is a sanctioned principle of action. A sanction is a physical or psychological means of coercion or intimidation used for the purpose of motivating obedience to a principle of action" (p. 217). This is certainly not the way advocates of moral rules portray their doctrine. To be justified in offering this reductionist characterization, Smith needs to show that the arguments of those who advance these views do not work. He does nothing of the sort. I suspect (but cannot prove) that the position he thus describes seem incomprehensible to him: He is "tone deaf" to the appeal of the position. His breezy dismissal has, in Russell's famous phrase, all the advantages of theft over honest toil.

In the last section of the book, Smith turns to issues that directly bear on libertarianism. He presents a superb discussion of Herbert Spencer, on whom he is an authority. He refutes many common misconceptions; for example, Spencer did not claim that winning the struggle for existence was a criterion of ethical superiority.

The key essay in this section is "Justice Entrepreneurship in a Free Market," a revision of a much-discussed article that appeared in this journal in 1979.[2] The starting point of the essay is a challenge to a chief contention of Robert Nozick's *Anarchy, State, and Utopia.* Nozick's argument for a dominant protection agency depends on differences of opinion in the state of nature over reliable decision procedures. As Smith correctly notes: "Essential to Nozick's argument is the assumption that legal procedures are *not* a matter of knowledge" (p. 297). (He wrongly thinks that Nozick endorses procedural rights. In fact Nozick does not commit himself on the issue; but fortunately this mistake does not affect Smith's main argument.) Smith's article is not a direct analysis of Nozick, however. He intends rather to counter Nozick by establishing a rational solution for a vital problem of libertarian legal theory, namely liability in third-party intervention. Smith endeavors to show that "justice entrepreneurs" will deal with the risks attendant on coping with third parties. The protection agencies that emerge through the activities of the justice entrepreneurs need not coalesce into a dominant agency.

The situation that concerns Smith arises when someone attempts to deal by force with a rights violator. The miscreant need not have violated the enforcer's own rights: Smith holds that anyone has the right to enforce the law of nature. Let us suppose that *A* attempts to recover his stolen wallet from *B.* A struggle ensues: *B,* who fails to see how surrender of the billfold would promote his happiness, feels under no obligation to comply with *A*'s preemptory demand for its return. Justice prevails, and *A* overpowers *B.* But just as *A* prepares to administer the *coup de grâce, C* arrives. Not having viewed the earlier events, *C* thinks that *A* has aggressed

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against *B*. He proceeds to put the kibosh on *A*, sending him to the hospital. After *A* is removed from traction, can he sue *C* and collect?

No, he cannot. Smith contends that even though *A* was in fact not aggressing against *B*, but attempting legitimately to recover his property, *C*'s action was reasonable. "[T]he person who is observed to initiate violence, or the threat of violence, is presumed to be the Invader unless there is evidence to the contrary" (p. 310). Smith further contends that the fact that *C*'s action was reasonable eliminates his liability to *A*. He rejects the contention that even if *C* acted reasonably, he ought to pay for *A*'s crushed hips and pelvis because he in fact erred. "If an error is made responsibly for error rests with the *Victim* who failed to identify publicly his violent act as one of restitution." (p. 301).

In support of his view, Smith distinguishes between behavior and action. One cannot tell just by examining physical movements whether aggression is occurring. To do so, one must resort to conventional meaning. Just as extending one's hand in a certain way is a conventional gesture of greeting, so is certain other physical behavior a sign of aggression. The distinction Smith draws between physical motion and action is a vital one, but I do not think it will quite do the job he wishes. *C* is surely justified in concluding that *A* is inflicting violence on *B*, even though all he strictly sees is certain movements of two bodies; here Smith's invocation of convention fits. But it does not follow from this that *C* is justified in taking *A* to be the aggressor. As Smith himself notes: "Libertarianism does not prohibit the use of force, or even the initiation of force" (p. 322). Why then assume the existence of a convention in which *A* appears to be an aggressor because he has struck *B*? One certainly cannot derive the alleged convention from a point about how words get their meaning.

Perhaps one should instead take the argument as an appeal to probability. In most cases, the initiator of force is the aggressor: Therefore a Third Party is justified in taking *A* to be the aggressor. But this contention also fails. To say that given certain information a judgment is probable reveals little by itself. If all one knows about two people is that one is a citizen of the U. S. and other a resident of the Middle East, one might conclude that the former is probably wealthier. If one learns that the U.S. citizen is a beggar and the other person the Emir of Kuwait, the case alters drastically.

To obtain a useful probability judgment, then, one must take into account the chances relative to all relevant data that are available. If a Third Party follows this course, the judgment he makes will depend on the circumstances of the incident. He will have no quick and easy pretext for jumping into the fray. And even if the Third Party does rightly conclude that it is probable *A* is the aggressor, the move to intervention still goes too fast. Why is the Third Party restricted to only two judgments: *A* is the aggressor or *B* is? He can also withhold judgment. It seems odd to hold that even a slight probability that *A* is the aggressor justifies interven-

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tion: Should one not require a threshold of sureness, even on Smith's own principles? Withholding judgment, after all, stands behind Smith's definition of atheism. Should he not use it here as well?

There is another incongruity in Smith's argument. On the one hand, the Third Party may interfere even if it is slightly more probable than not that he has correctly identified the aggressor. "Even partial evidence is overwhelming when weighed against no evidence at all" (p. 312). On the other hand, the Victim who wishes to defeat the presumption of aggression for initiating force must present the strongest case possible. It is precisely to avoid the risks of intervention, given this stringent requirement, that Smith surmises a Victim will employ a protection agency. Why the double standard? Further, the principle of evidence Smith suggests does not withstand examination. Suppose that someone is found murdered. The police discover no clues on the scene. Later, it is discovered that another person strongly disliked the murdered man. Do the police now have overwhelming evidence that this person is the murderer?

Suppose, however, that Smith is entirely correct about circumstances in which Third Parties may justifiably intervene. Will people then resort to protection agencies because they fear to assume the risks of Third Party intervention? I am not at all sure. If *C* may justifiably intervene when he sees *A* attack *B*, why will not *D*, a person who arrives still later, be justified on the same principle in taking action against *C*? Third Parties must face the risk of Fourth Parties, Fifth Parties, and so on. The problem that then arises for Smith is that if *A* is supposed to be deterred from direct action because of risk from intervention by *C*, why will *C* not be deterred from acting because of risk from *D*? If *C* is deterred, and *A* knows this, is there in fact much risk to *A* of Third Party intervention? The question soon becomes quite complicated. What about interferers with *D*'s action? I do not wish to risk advancing a solution to how the various parties are likely to act. But unless the complications leave *A* at substantial risk, Smith's argument for protection agencies fails.

A much simpler problem is also threatening. It does not follow that if Third Parties *may* intervene, then they are likely to do so. Perhaps *C* fears getting injured by *A*. Unless *A* has reason to think that he faces a good chance of intervention from *C*, it is not clear that he will be deterred from direct action. People are now at liberty to make a citizen's arrest of an armed bank robber, but few avail themselves of this opportunity.

Finally—though this is only a quibble—Smith defines "coercion" so that "It refers to a *state of affairs* that obtains among two or more persons when there is a violation of property title" (p. 323). This sentence is not a slip: he says elsewhere that if *B* takes *A*'s property, *A* and *B* are in a state of coercion. No doubt libertarian law differs from current law, but must proper English be changed as well?

This review has turned out substantially more critical than I antcipated when first taking up the volume. By concentrating on the philosophical articles, I have perhaps

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given a misleading picture of the book's quality. The historical articles, I should emphasize, are very good indeed; and even the theoretical pieces always center on important issues. But I have a sense in reading them that although George Smith has considerable intelligence and talent, he does not fully grasp the depth and difficulty of philosophy.

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Notes

1. George H. Smith, *The Case Against God* (Buffalo, N.Y.: Prometheus Books, 1971).
2. George H. Smith, "Justice Entrepreneurship in a Free Market," JOURNAL OF LIBERTARIAN STUDIES 3, no. 4 (Winter 1979): 405–26; and "Justice Entrepreneurship Revisited," *ibid.*, pp. 453–69.

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The Journal of Libertarian Studies, Vol. X, No. 2 (Fall 1992)

Cumulative Index to The Journal of Libertarian Studies Volumes 1–10

Author Index

Ahiakpor, James C. W. "Rashid on Adam Smith: In Need of Proof." 10, no. 2 (Fall 1992): 171–80.

Alexander, Lawrence A., and Lyla H. O'Driscoll. "Stork Markets: An Analysis of 'Baby Selling.'" 4, no. 2 (Spring 1980): 173–196.

Anderson, Annelise Graebner. "The Development of Municipal Fire Departments in the United States." 3, no. 3 (Fall 1979): 331–59.

Anderson, Terry, and P. J. Hill. "The American Experiment in Anarcho-Capitalism: The *Not* So Wild, Wild West." 3, no. 1 (Spring 1979): 9–29.

Arnold, Roger A. "Hayek and Institutional Evolution." 4, no. 4 (Fall 1980): 341–52.

_____. "Efficiency vs. Ethics: Which is the Proper Decision Criterion in Law Cases?" 6, no. 1 (Winter 1982): 49–57.

Barnett, Randy E. "Whither Anarchy? Has Robert Nozick Justified the State?" 1, no. 1 (Winter 1977): 15–21.

_____. "Toward a Theory of Legal Naturalism." 2, no. 2 (Summer 1978): 97–107.

_____. Comment on George Smith, "Justice Entrepreneurship in a Free Market." 3, no. 4 (Winter 1979): 427–31.

Barry, Norman. "The Concept of 'Nature' in Liberal Political Thought." 8, no. 1 (Winter 1986): 1–17.

Baumgarth, William P. "Hayek and Political Order: The Rule of Law." 2, no. 1 (Winter 1978): 11–28.

Benson, Bruce L. "A Note on Corruption by Public Officials: The Black Market for Property Rights." 5, no. 3 (Summer 1981): 305–11.

_____. "Land Use Regulation: A Supply and Demand Analysis of Changing Property Rights." 5, no. 4 (Fall 1981): 435–51.

_____. "Guns for Protection, and Other Private Sector Responses to the Government's Failure to Control Crime." 8, no. 1 (Winter 1986): 75–109.

LICENSED TO UNZ.ORG
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_____. "Reciprocal Exchange as the Basis for Recognition of Law: Examples from American History." 10, no. 1 (Fall 1991): 53–82.

Block, Walter. "Coase and Demsetz on Private Property Rights." 1, no. 2 (Spring 1977): 111–15.

_____. "Austrian Monopoly Theory: A Critique." 1, no. 4 (Fall 1977): 271–79.

_____. "The Negative Interest Rate: Toward a Taxonomic Critique." 2, no. 2 (Summer 1978): 121–24.

_____. "Free Market Transportation: Denationalizing the Roads." 3, no. 2 (Summer 1979): 209–38.

_____. "Congestion and Road Pricing." 4, no. 3 (Summer 1980): 299–330.

_____. "Public Goods and Externalities: The Case of Roads." 7, no. 1 (Spring 1983): 1–34.

_____. "Levin on Feminism and Freedom." 10, no. 1 (Fall 1991): 97–106.

Bradley, Robert, Jr. "Market Socialism: A Subjectivist Evaluation." 5, no. 1 (Winter 1981): 23–39.

Brown, Pamela J. "Free Thought and Free Trade: The Analogy Between Scientific and Entrepreneurial Discovery Processes." 8, no. 2 (Summer 1987): 289–92.

Brownstein, Barry P. "Pareto Optimality, External Benefits, and Public Goods: A Subjectivist Approach." 4, no. 1 (Winter 1980): 93–106.

Butler, Ann Caldwell. "Josiah Warren and the Sovereignty of the Individual." 4, no. 4 (Fall 1980): 433–48.

Canon, David. "Intelligence and Ethics: The CIA's Covert Operations." 4, no. 2 (Spring 1980): 197–214.

Carneiro, Robert L. "Herbert Spencer as an Anthropologist." 5, no. 2 (Spring 1981): 153–210.

Chappell, Robert H. "Anarchy Revisited: An Inquiry into the Public Education Dilemma." 2, no. 4 (Winter 1978): 357–72.

Childs, Roy A., Jr. "The Invisible Hand Strikes Back." 1, no. 1 (Winter 1977): 22–33.

_____. "Professor Kroy on Contract and Freedom: Comment." 1, no. 3 (Summer 1977): 215–16.

Cordato, Roy E. "The Austrian Theory of Efficiency and the Role of Government." 4, no. 4 (Fall 1980): 393–403.

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Cottle, Rex L., and Myles S. Wallace. "The Nearly Invisible Invisible Hand." 5, no. 3 (Summer 1981): 341–43.
Cox, Stephen. "Ayn Rand: Theory versus Creative Life." 8, no. 1 (Winter 1986): 19–29.
Curry, Richard O., and Lawrence B. Goodheart. "Ambivalence, Ambiguity, and Contradiction: Garrisonian Abolitionists and Nonviolence." 6, nos. 3–4 (Summer/Fall 1982): 217–26.
Cuzán, Alfred G. "Do We Ever Really Get Out of Anarchy?" 3, no. 2 (Summer 1979): 151–58.

de Rosa, Peter. "Where They Stand: The Libertarian Party and Its Competition, 1968–1978." 3, no. 4 (Winter 1979): 391–403.
Den Uyl, Douglas J., and Douglas B. Rasmussen. "In Defense of Natural End Ethics: A Rejoinder to O'Neil and Osterfeld." 7, no. 1 (Spring 1983): 115–25.
Diamond, Arthur M., Jr. "F. A. Hayek on Constructivism and Ethics." 4, no. 4 (Fall 1980): 353–65.
_____. "The Intergenerational Invisible Hand: A Comment on Sartorius's 'Government Regulation and Intergenerational Justice.'" 8, no. 2 (Summer 1987): 269–74.
Doenecke, Justus D. "Principle and Expediency: The State Department and Palestine, 1948." 2, no. 4 (Winter 1978): 343–56.
_____. "The Isolationist as Collectivist: Lawrence Dennis and the Coming of World War II." 3, no. 2 (Summer 1979): 191–207.
_____. "Edwin M. Borchard, John Bassett Moore, and Opposition to American Intervention in World War II." 6, no. 1 (Winter 1982): 1–34.
_____. "American Isolationism, 1939–1941." 6, nos. 3–4 (Summer/Fall 1982): 201–16.
_____. "The Literature of Isolationism, 1972–1983: A Bibliographical Guide." 7, no. 1 (Spring 1983): 157–84.
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_____. "The Anti-Interventionism of Herbert Hoover." 8, no. 2 (Summer 1987): 311–40.
Dorn, James A. "Markets, True and False: The Case of Yugoslavia." 2, no. 3 (Fall 1978): 243–68.
_____. "Law and Liberty: A Comparison of Hayek and Bastiat." 5, no. 4 (Fall 1981): 375–97.

Edwards, James Rolph. "Monopoly and Competition in Money." 4, no. 1 (Winter 1980): 107–17.

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Ekirch, Arthur A., Jr. "Democracy and Laissez Faire: The New York State Constitution of 1846." 1, no. 4 (Fall 1977): 319–23.
_____. "The Reform Mentality, War, Peace, and the National State: From the Progressives to Vietnam." 3, no. 1 (Spring 1979): 55–72.
_____. "Harold J. Laski: The Liberal *Manqué* or Lost Libertarian?" 4, no. 2 (Spring 1980): 139–50.
Evers, Williamson M. "Toward A Reformulation of the Law of Contracts." 1, no. 1 (Winter 1977): 3–13.
_____. "Social Contract: A Critique," 1, no. 3 (Summer 1977): 185–94.
_____. "The Law of Omissions and Neglect of Children." 2, no. 1 (Winter 1978): 1–10.
_____. "Rawls and Children." 2, no. 2 (Summer 1978): 109–14.
_____. "Kropotkin's Ethics and the Public Good." 2, no. 3 (Fall 1978): 225–32.
_____. "Specialization and the Division of Labor in the Social Thought of Plato and Rousseau." 4, no. 1 (Winter 1980): 45–64.

Ferrara, Peter J. "Retribution and Restitution: A Synthesis." 6, no. 2 (Spring 1982): 105–36.
Fielding, Karl T. "Stateless Society: Frech on Rothbard." 2, no. 2 (Summer 1978): 179–81.
_____. "The Role of Personal Justice in Anarcho-Capitalism." 2, no. 3 (Fall 1978): 239–41.
_____. "Nonexcludability and Government Financing of Public Goods." 3, no. 3 (Fall 1979): 293–98.
Flew, Antony. "Human Choice and Historical Inevitability." 5, no. 4 (Fall 1981): 345–56.
_____. "Could There Be Universal Natural Rights?" 6, nos. 3–4 (Summer/Fall 1982): 277–88.
_____. "Enforced Equality—Or Justice?" 8, no. 1 (Winter 1986): 31–41.
_____. "Social Science: Making Visible the Invisible Hands." 8, no. 2 (Summer 1987): 197–211.
_____. "The Philosophy of Freedom." 9, no. 1 (Winter 1989): 69–80.
Formaini, Robert L. "George Smith's Justice" (comment on "Justice Entrepreneurship in a Free Market"). 3, no. 4 (Winter 1979): 439–51.
Frola, Eugenio, and Buno Leoni. "On Mathematical Thinking in Economics." 1, no. 2 (Spring 1977): 101–09.

Garrison, Roger W. "In Defense of the Misesian Theory of Interest." 3, no. 2 (Summer 1979): 141–50.
_____. "West's 'Cantillon and Adam Smith': A Comment." 7, no. 2 (Fall 1985): 287–94.

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Goodheart, Lawrence B., and Richard O. Curry. "Ambivalence, Ambiguity, and Contradiction: Garrisonian Abolitionists and Nonviolence." 6, nos. 3–4 (Summer/Fall 1982): 217–26.
Gordon, David. "Comment on Hospers." 4, no. 3 (Summer 1980): 267–72.
_____. Review, *Atheism, Ayn Rand, and Other Heresies,* by George H. Smith. 10, no. 2 (Fall 1992): 191–99.
Gottfried, Paul. "Wilsonianism: The Legacy that Won't Die." 9, no. 2 (Fall 1990): 117–26.
_____. "On Liberal and Democratic Nationhood." 10, no. 1 (Fall 1991): 1–10.
_____. "The Sovereign State at Bay." 10, no. 2 (Fall 1992): 125–37.
Gray, John N. "F. A. Hayek on Liberty and Tradition." 4, no. 2 (Spring 1980): 119–37.
Green, Arnold W. "Equality and Equal Opportunity." 1, no. 2 (Spring 1977): 125–36.
Grenander, M. E. "Of Graver Import than History: Psychiatry in Fiction." 2, no. 1 (Winter 1978): 29–44.
_____. "*Benito Cereno* and Legal Oppression: A Szaszian Interpretation." 2, no. 4 (Winter 1978): 337–42.
Grim, Patrick. "The 'Right' to a Fair Trial." 2, no. 2 (Summer 1978): 115–20.
Grinder, Walter E., and John Hagel, III. "Toward a Theory of State Capitalism: Ultimate Decision-Making and Class Structure." 1, no. 1 (Winter 1977): 59–79.
Groudine, Candace J. "Authority: H. L. A. Hart and the Problem of Legal Positivism." 4, no. 3 (Summer 1980): 273–88.

Hagel, John, III, and Walter E. Grinder. "Toward a Theory of State Capitalism: Ultimate Decision-Making and Class Structure." 1, no. 1 (Winter 1977): 59–79.
Halbrook, Stephen P. "The Alienation of a Homeland: How Palestine Became Israel." 5, no. 4 (Fall 1981): 357–74.
_____. "Left Hegelianism, Arab Nationalism, and Labor Zionism." 6, no. 2 (Spring 1982): 181–99.
Hamowy, Ronald. "Medicine and the Crimination of Sin: 'Self-Abuse' in 19th-Century America." 1, no. 3 (Summer 1977): 229–70.
_____. "Law and the Liberal Society: F. A. Hayek's Constitution of Liberty." 2, no. 4 (Winter 1978): 287–97.
_____. "The Early Development of Medical Licensing Laws in the United States, 1875–1900." 3, no. 1 (Spring 1979): 73–119.
_____. "The Hayekian Model of Government in an Open Society." 6, no. 2 (Spring 1982): 137–43.
Harman, Gilbert. "Moral Relativism as a Foundation for Natural Rights." 4, no. 4 (Fall 1980): 367–71.
Hart, David M. "Gustave de Molinari and the Anti-Statist Liberal Tradition." Part I, 5, no. 3 (Summer 1981): 263–90; part II, 5, no. 4 (Fall 1981); 399–434; part III, 6, no. 1 (Winter 1982): 83–104.

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Havender, William R. "On the Parity of Groups." 2, no. 2 (Summer 1978): 167–78.
Hayek, F. A. "Toward a Free-Market Monetary System." 3, noi. 1 (Spring 1979): 1–8.
_____. "Richard Cantillon." Translated by Micheál Súilleabháin. 7, no. 2 (Fall 1985): 217–47.
Herbener, Jeffrey. "An Integration of the *Wealth of Nations* with the *Theory of Moral Sentiments.*" 8, no. 2 (Summer 1987): 275–88.
Hébert, Robert F. "Was Richard Cantillon an Austrian Economist?" 7, no. 2 (Fall 1985): 269–79.
Hill, P. J., and Terry Anderson. "The American Experiment in Anarcho-Capitalism: The *Not* So Wild, Wild West." 3, no. 1 (Spring 1979): 9–29.
Hoppe, Hans-Hermann. "Fallacies of Public Goods Theory and the Production of Security." 9, no. 1 (Winter 1989): 27–46.
_____. "Marxist and Austrian Class Analysis." 9, no. 2 (Fall 1990): 79–93.
Hospers, John. "Libertarianism and Legal Paternalism." 4, no. 3 (Summer 1980): 255–65.
Hudson, James L. "The Philosophy of Immigration." 8, no. 1 (Winter 1986): 51–62.
Hughes, Jonathan. "Entrepreneurial Activity and American Economic Progress." 3, no. 4 (Winter 1979): 361–71.
Hummel, Jeffrey Rogers. "The Jacksonians, Banking, and Economic Theory: A Reinterpretation." 2, no. 2 (Summer 1978): 151–65.
_____. "The Monetary History of America to 1789: A Historiographical Essay." 2, no. 4 (Winter 1978): 373–89.

Jensen, Richard. "Religion, Morality, and American Politics." 6, nos. 3–4 (Summer/Fall 1982): 321–32.

Karier, Clarence J. "G. Stanley Hall: A Priestly Prophet of a New Dispensation." 7, no. 1 (Spring 1983): 35–60.
Kauffman, Bill. "The Child Labor Amendment Debate of the 1920s; or, Catholics and Mugwumps and Farmers." 10, no. 2 (Fall 1992): 139–69.
King, J. Charles. "A Rationale for Punishment." 4, no. 2 (Spring 1980): 151–65.
Kleppner, Paul. "Religion, Politics, and the American Polity: A Dynamic View of Relationships." 6, nos. 3–4 (Summer/Fall 1982): 349–58.
Kroy, Moshe. "Political Freedom and its Roots in Metaphysics." 1, no. 3 (Summer 1977): 205–13.

Lavoie, Don C. "From Hollis and Nell to Hollis and Mises." 1, no. 4 (Fall 1977): 325–36.
_____. "Shackle: A Critical Sampling." 2, no. 2 (Summer 1978): 125–34.

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Leoni, Bruno, and Eugenio Frola. "On Mathematical Thinking in Economics." 1, no. 2 (Spring 1977): 101–09.
Liggio, Leonard P. "Charles Dunoyer and French Classical Liberalism." 1, no. 3 (Summer 1977): 153–78.
_____. "Felix Morley and the Commonwealth Tradition: The Country Party, Centralization, and the American Empire." 2, no. 3 (Fall 1978): 279–86.
_____. "Richard Cantillon and the French Economists: Distinctive French Contributions to J. B. Say." 7, no. 2 (Fall 1985): 295–304.
_____, and Joseph R. Peden. "Social Scientists, Schooling, and the Acculturation of Immigrants in 19th-Century America." 2, no. 1 (Winter 1978): 69–84.
Lomasky, Loren E. "Harman's Moral Relativism." 3, no. 3 (Fall 1979): 279–91.
_____. "Relativism and Rights: A Reply to Harman." 4, no. 4 (Fall 1980): 373–77.
Ludwikowski, Rett R. "Liberal Traditions in Polish Political Thought." 5, no. 3 (Summer 1981): 255–61.

Machan, Tibor R. "Against Non-Libertarian Natural Rights." 2, no. 3 (Fall 1978): 233–38.
_____. "Fishkin on Nozick's Absolute Rights." 6, nos. 3–4 (Summer/Fall 1982): 317–20.
_____. "Social Contract as a Basis of Norms: A Critique." 7, no. 1 (Spring 1983): 141–45.
Mack, Eric. "Voluntaryism: The Political Thought of Auberon Herbert." 2, no. 4 (Winter 1978): 299–309.
Marshall, Jonathan. "William Graham Sumner: Critic of Progressive Liberalism." 3, no. 3 (Fall 1979): 261–77.
_____. "Empire of Liberty: The Antifederalists and Foreign Policy, 1787–1788." 4, no. 3 (Summer 1980): 233–54.
Martin, Brian. "Politics after a Nuclear Crisis." 9, no. 2 (Fall 1990): 69–78.
McElroy, Wendy. "The Culture of Individualist Anarchism in Late 19th-Century America." 5, no. 3 (Summer 1981): 291–304.
Mendilow, Jonathan. "Shelley's Philosophy of Liberty." 6, no. 2 (Spring 1982): 169–80.
Migué, Jean-Luc. "Pension Fund Socialism: A Critique." 2, no. 2 (Sumemr 1978): 183–86.
Mises, Ludwig von. "Comments about the Mathematical Treatment of Economic Problems." 1, no. 2 (Spring 1977): 97–100.
Morris, Christopher W. "Human Autonomy and the Natural Right to Be Free." 4, no. 4 (Fall 1980): 379–92.

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Murphy, Antoin E. "Richard Cantillon—Banker and Economist." 7, no. 2 (Fall 1985): 185–215.
Osterfeld, David. "Internal Inconsistencies in Arguments for Government: Nozick, Rand, Hospers." 4, no. 3 (Summer 1980): 331–40.
_____. "The Natural Rights Debate: A Comment on a Reply." 7, no. 1 (Spring 1983): 101–113.
_____. "Anarchism and the Public Goods Issue: Law, Courts, and the Police." 9, no. 1 (Winter 1989): 47–68.
O'Drisoll, Gerald P. "Spontaneous Order and the Coordination of Economic Activities." 1, no. 2 (Spring 1977): 137–51.
O'Driscoll, Lyla H., and Lawrence A. Alexander. "Stork Markets: An Analysis of 'Baby Selling.'" 4, no. 2 (Spring 1980): 173–96.
O'Mahony, David. "Richard Cantillon—A Man of His Time: A Comment on Tarascio." 7, no. 2 (Fall 1985): 259–67.
O'Neil, Patrick M. "Ayn Rand and the Is–Ought Problem." 7, no. 1 (Spring 1983): 81–99.

Pasour, E. C., Jr. "Cost and Choice: Austrian vs. Conventional Views." 2, no. 4 (Winter 1978): 327–36.
_____. "Conservation, 'X-Inefficiency,' and Efficient Use of Natural Resources." 3, no. 4 (Winter 1979): 371–90.
_____. "The Free Rider as a Basis for Government Intervention." 5, no. 4 (Fall 1981): 453–64.
_____. "Land-Use Planning: Implications of the Economic Calculation Debate." 7, no. 1 (Spring 1983): 127–39.
Paul, Ellen Frankel. "Adam Smith: A Reappraisal." 1, no. 4 (Fall 1977): 289–306.
_____. "J. S. Mill: The Utilitarian Influence in the Demise of Laissez Faire." 2, no. 2 (Summer 1978): 135–49.
Paul, Jeffrey. "Nozick, Anarchism, and Procedural Rights." 1, no. 4 (Fall 1977): 337–40.
Peden, Joseph R. "Property Rights in Celtic Irish Law." 1, no. 2 (Spring 1977): 81–94.
_____, and Leonard P. Liggio. "Social Scientists, Schooling, and the Acculturation of Immigrants in 19th-Century America." 2, no. 1 (Winter 1978): 69–84.
Perrin, Robert G. "The Dynamics and Dialectics of Capitalism." 5, no. 2 (Spring 1981): 211–36.
Peterson, Steven A. "Moral Development and Critiques of Anarchism." 8, no. 2 (Summer 1987): 237–45.
Philbin, James P. "An Austrian Perspective on Some Leading Jacksonian Monetary Theorists." 10, no. 1 (Fall 1991): 83–95.
Postiglione, Gerard A. "The Opponents of Public Education: New York State, 1870–1880." 6, nos. 3–4 (Summer/FAll 1982): 359–76.

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Poulson, Barry W. "Substantive Due Process and Labor Law." 6, nos. 3–4 (Summer/Fall 1982): 267–76.
_____. "Technological Change and the Profit Motive." 8, no. 2 (Summer 1987): 247–67.

Raico, Ralph. "Classical Liberal Exploitation Theory: A Comment on Professor Liggio's Paper." 1, no. 3 (Summer 1977): 179–83.
Raimondo, Justin. "John T. Flynn: Exemplar of the Old Right." 10, no. 2 (Fall 1992): 107–24.
Rashid, Salim. "Lord Townshend and the Influence of Moral Philosophy on Laissez Faire." 8, no. 1 (Winter 1986): 69–74.
_____. "Adam Smith's Acknowledgments: Neo-Plagiarism and the Wealth of Nations." 9, no. 2 (Fall 1990): 1–24.
_____. "Adam Smith and Neo Plagiarism: A Reply." 10, no. 2 (Fall 1992): 181–89.
Rasmussen, Douglas B. "A Groundwork for Rights: Man's Natural End." 4, no. 1 (Winter 1980): 65–76.
_____. "In Defense of Natural End Ethics: A Rejoinder to O'Neil and Osterfeld." 7, no. 1 (Spring 1983): 115–25.
Ray, J. J. "Libertarians and the Authoritarian Personality." 4, no. 1 (Winter 1980): 39–43.
Reichert, William O. "Natural Right in the Political Philosophy of Pierre-Joseph Proudhon." 4, no. 1 (Winter 1980): 77–91.
Reynolds, Morgan O. "An Economic Analysis of the Norris-LaGuardia Act, the Wagner Act, and the Labor Representation Industry." 6, nos. 3–4 (Summer/Fall 1982): 227–62.
Richman, Sheldon L. "War Communism to NEP: The Road From Serfdom." 5, no. 1 (Winter 1981): 89–97.
_____. "The Anti-War Abolitionists: The Peace Movement's Split over the Civil War." 5, no. 3 (Summer 1981): 327–40.
_____. "A Matter of Degree, Not Principle: The Founding of the American Liberty League." 6, no. 2 (Spring 1982): 145–67.
_____, and Roy E. Cordato. "Tax Rate vs. Tax Base: A Public Choice Perspective on the Consequences for the Growth of Government." 8, no. 1 (Winter 1986): 63–68.
Rockwell, Llewellyn H., Jr., and Jeffrey A. Tucker. "The Cultural Thought of Ludwig von Mises." 10, no. 1 (Fall 1991): 23–52.
Rothbard, Murray N. "Robert Nozick and the Immaculate Conception of the State." 1, no. 1 (Winter 1977): 45–57.
_____. "The Foreign Policy of the Old Right." 2, no. 1 (Winter 1978): 85–96.
_____. "King on Punishment: A Comment." 4, no. 2 (Spring 1980): 167–72.

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_____. "The Laissez-Faire Radical: A Quest for the Historical Mises." 5, no. 3 (Summer 1981): 237–53.
_____. "Professor Hébert on Entrepreneurship." 7, no. 2 (Fall 985): 281–86.
_____. "World War I as Fulfillment: Power and the Intellectuals." 9, no. 1 (Winter 1989): 81–125.
_____. "Concepts of the Role of Intellectuals in Social Change Toward Laissez Faire." 9, no. 2 (Fall 1990): 43–67.
_____. "Introduction to the French Edition of *Ethics of Liberty*." 10, no. 1 (Fall 1991): 11–22.

Salerno, Joseph T. "Comment on the French Liberal School." 2, no. 1 (Winter 1978): 65–68.
_____. "The Influence of Cantillon's *Essai* on the Methodology of J. B. Say: A Comment on Liggio." 7, no. 2 (Fall 1985): 305–16.
Sanders, John T. "The Free-Market Model versus Government: A Reply to Nozick." 1, no. 1 (Winter 1977): 35–44.
Silbey, Joel H. "'Let the People See': Reflections on Ethno-Religious Forces in American Politics." 6, nos. 3–4 (Summer/Fall 1982): 333–47.
Smith, George H. "William Wollaston on Property Rights." 2, no. 3 (Fall 1978): 217–24.
_____. "Justice Entrepreneurship in a Free Market." 3, no. 4 (Winter 1979): 405–26.
_____. "Justice Entrepreneurship Revisited: A Reply to Critics." 3, no. 4 (Winter 1979): 453–69.
_____. "Herbert Spencer's Theory of Causation." 5, no. 2 (Spring 1981): 113–52.
Sneed, John D. "Order without Law: Where Will Anarchists Keep the Madmen?" 1, no. 2 (Spring 1977): 117–24.
Spall, Richard F., Jr. "Landlordism and Liberty: Aristocratic Misrule and the Anti-Corn Law League." 8, no. 2 (Summer 1987): 213–36.
Spring, Joel. "The Public School Movement vs. the Libertarian Tradition." 7, no. 1 (Spring 1983): 61–79.
Steele, David Ramsay. "Posing the Problem: The Impossibility of Economic Calculation Under Socialism." 5, no. 1 (Winter 1981): 7–22.
_____. "The Failure of Bolshevism and its Aftermath." 5, no. 1 (Winter 1981): 99–111.
_____. "Hayek's Theory of Cultural Group Selection." 8, no. 2 (Summer 1987): 171–95.
Stone, Alan. "A Spectre is Haunting America: An Interpretation of Progressivism." 3, no. 3 (Fall 1979): 239–60.

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Stromberg, Joseph R. "Felix Morley: An Old-Fashioned Republican Critic of Statism and Interventionism." 2, no. 3 (Fall 1978): 269–77.
_____. "The War for Southern Independence: A Radical Libertarian Perspective." 3, no. 1 (Spring 1979): 31–53.
_____. "Country Ideology, Republicanism, and Libertarianism: The Thought of John Taylor of Caroline." 6, no. 1 (Winter 1982): 35–48.
Súilleabháin, Micheál. Translation of F. A. Hayek, "Richard Cantillon." 7, no. 2 (Fall 1985): 217–47.
Suits, David B. "On Locke's Argument for Government." 1, no. 3 (Summer 1977): 195–203.
Szasz, Thomas S. "The Lying Truths of Psychiatry." 3, no. 2 (Summer 1979): 121–39.

Tame, Chris R. "The Revolution of Reason: Peter Gay, the Enlightenment, and the Ambiguities of Classical Liberalism." 1, no. 3 (Summer 1977): 217–27.
Tarascio, Vincent J. "Cantillon's *Essai:* A Current Perspective." 7, no. 2 (Fall 1985): 249–57.
Tucker, Jeffrey A., and Llewellyn H. Rockwell, Jr. "The Cultural Thought of Ludwig von Mises." 10, no. 1 (Fall 1991): 23–52.

Vaughn, Karen I. "John Locke and the Labor Theory of Value." 2, no. 4 (Winter 1978): 311–26.
Veatch, Henry B. "Plato, Popper, and the Open Society: Reflections on Who Might Have the Last Laugh." 3, no. 2 (Summer 1979): 159–72.

Wagner, Richard E. "Boom and Bust: The Political Economy of Economic Disorder." 4, no. 1 (Winter 1980): 1–37.
Wallace, Myles S., and Rex L. Cottle. "The Nearly Invisible Invisible Hand." 5, no. 3 (Summer 1981): 341–43.
Watner, Carl. "Benjamin Tucker and His Periodical, *Liberty.*" 1, no. 4 (Fall 1977): 307–18.
_____. "Those 'Impossible Citizens': Civil Restraints in 19th-Century New England." 3, no. 2 (Summer 1979): 173–91.
_____. "The Radical Libertarian Tradition in Antislavery Thought." 3, no. 3 (Fall 1979): 299–329.
_____. "*In Favorem Libertatis:* The Life and Work of Granville Sharp." 4, no. 2 (Spring 1980): 215–32.
_____. "'Come What, Come Will!' Richard Overton, Libertarian Leveller." 4, no. 4 (Fall 1980): 405–32.

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_____. "The English Individualists as They Appear in *Liberty*." 6, no. 1 (Winter 1982): 59–82.
_____. "The Proprietary Theory of Justice in the Libertarian Tradition." 6, nos. 3–4 (Summer/Fall 1982): 289–316.
_____. "Libertarians and Indians: Proprietary Justice and Aboriginal Land Rights." 7, no. 1 (Spring 1983): 147–56.
_____. "'Oh, Ye Are For Anarchy!' Consent Theory in the Radical Libertarian Tradition." 8, no. 1 (Winter 1986): 111–37.
_____. "'All Mankind is One': The Libertarian Tradition in Sixteenth-Century Spain." 8, no. 2 (Summer 1987): 293–309.
Weinburg, Mark. "The Social Analysis of Three Early 19th-Century French Liberals: Say, Comte, and Dunoyer." 2, no. 1 (Winter 1978): 45–63.
White, Lawrence H. "Bankruptcy as an Economic Intervention." 1, no. 4 (Fall 1977): 281–88.
_____. "Privatization of Municipally Provided Services." 2, no. 2 (Summer 1978): 187–97.

Yeager, Leland B. "Pareto Optimality in Policy Espousal." 2, no. 3 (Fall 1978): 199–216.
Young, Frederic C. "Nozick and the Individualist Anarchist." 8, no. 1 (Winter 1986): 43–49.

Title Index

"Adam Smith and Neo-Plagiarism: A Reply." By Salim Rashid. 10, no. 2 (Fall 1992): 181–89.
"Adam Smith's Acknowledgments: Neo-Plagiarism and the Wealth of Nations." By Salim Rashid. 9, no. 2 (Fall 1990): 1–24.
"Adam Smith: A Reappraisal." By Ellen Frankel Paul. 1, no. 4 (Fall 1977): 289–306.
"Against Non-Libertarian Natural Rights." By Tibor R. Machan. 2, no. 3 (Fall 1978): 233–38.
"The Alienation of a Homeland: How Palestine Became Israel." By Stephen P. Halbrook. 5, no. 4 (Fall 1981): 357–74.
"'All Mankind is One': The Libertarian Tradition in Sixteenth-Century Spain." By Carl Watner. 8, no. 2 (Summer 1987): 293–309.
"Ambivalence, Ambiguity, and Contradiction: Garrisonian Abolitionists and Non-violence." By Lawrence B. Goodheart and Richard O. Curry. 6, nos. 3–4 (Summer/Fall 1982): 217–26.
"The American Experiment in Anarcho-Capitalism: The *Not* So Wild, Wild West." By Terry Anderson and P. J. Hill. 3, no. 1 (Spring 1979): 9–29.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

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"Anarchism and the Public Goods Issue: Law, Courts, and the Police." By David Osterfeld. 9, no. 1 (Winter 1989): 47–68.
"Anarchy Revisited: An Inquiry into the Public Education Dilemma." By Robert H. Chappell. 2, no. 4 (Winter 1978): 357–72.
"The Anti-Interventionism of Herbert Hoover." By Justus D. Doenecke. 8, no. 2 (Summer 1987): 311–40.
"The Anti-War Abolitionists: The Peace Movement's Split over the Civil War." By Sheldon Richman. 5, no. 3 (Summer 1981): 327–40.
"Austrian Monopoly Theory: A Critique." By Walter Block. 1, no. 4 (Fall 1977): 217–79.
"An Austrian Perspective on Some Leading Jacksonian Monetary Theorists." By James P. Philbin. 10, no. 1 (Fall 1991): 83–95.
"The Austrian Theory of Efficiency and the Role of Government." By Roy E. Cordato. 4, no. 4 (Fall 1980): 393–403.
"Authority: H. L. A. Hart and the Problem of Legal Positivism." By Candace J. Groudine. 4, no. 3 (Summer 1980): 273–88.
"Ayn Rand and the Is–Ought Problem." By Patrick M. O'Neil. 7, no. 1 (Spring 1983): 81–99.
"Ayn Rand: Theory versus Creative Life." By Stephen Cox. 8, no. 1 (Winter 1986): 19–29.

"Bankruptcy as an Economic Intervention." By Lawrence H. White. 1, no. 4 (Fall 1977): 281–88.
"*Benito Cereno* and Legal Oppression: A Szaszian Interpretation." By M. E. Grenander. 2, no. 4 (Winter 1978): 337–42.
"Benjamin Tucker and His Periodical, *Liberty*." By Carl Watner. 1, no. 4 (Fall 1977): 307–18.
"Boom and Bust: The Political Economy of Economic Disorder." By Richard E. Wagner. 4, no. 1 (Winter 1980): 1–37.

"Cantillon's *Essai:* A Current Perspective." By Vincent J. Tarascio. 7, no. 2 (Fall 1985): 249–57.
"Charles Dunoyer and French Classical Liberalism." By Leonard Liggio. 1, no. 3 (Summer 1977): 153–78.
"The Child Labor Amendment Debate of the 1920s; or, Catholics and Mugwumps and Farmers." By Bill Kauffman. 10, no. 2 (Fall 1992): 139–69.
"Classical Liberal Exploitation Theory: A Comment on Professor Liggio's Paper." By Ralph Raico. 1, no. 3 (Summer 1977): 179–83.
"Coase and Demsetz on Private Property Rights." By Walter Block. 1, no. 2 (Spring 1977): 111–15.
"'Come What, Come Will!' Richard Overton, Libertarian Leveller." By Carl Watner. 4, no. 4 (Fall 1980): 405–32.

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ELECTRONIC REPRODUCTION PROHIBITED

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"Comment on George Smith, 'Justice Entrepreneurship in a Free Market.'" By Steven Strasnick. 3, no. 4 (Winter 1979): 433–37.
"Comment on Hospers." By David Gordon. 4, no. 3 (Summer 1980): 267–72.
"Comment on the French Liberal School." By Joseph T. Salerno. 2, no. 1 (Winter 1978): 65–68.
"Comments about the Mathematical Treatment of Economic Problems." By Ludwig von Mises. 1, no. 2 (Spring 1977): 97–100.
"The Concept of 'Nature' in Liberal Political Thought." By Norman Barry. 8, no. 1 (Winter 1986): 1–17.
"Concepts of the Role of Intellectuals in Social Change Toward Laissez Faire." By Murray N. Rothbard. 9, no. 2 (Fall 1990): 43–67.
"Congestion and Road Pricing. By Walter Block. 4, no. 3 (Summer 1980): 299–330.
"Conservation, 'X-Inefficiency,' and Efficient Use of Natural Resources." By E. C. Pasour, Jr. 3, no. 4 (Winter 1979): 371–90.
"Corporate Raiders and Junk-Car Dealers: Economics and Politics of the Merger Controversy." By James Rolph Edwards. 9, no. 2 (Fall 1990): 95–115.
"Cost and Choice: Austrian vs. Conventional Views." By E. C. Pasour, Jr. 2, no. 4 (Winter 1978): 327–36.
"Could There Be Universal Natural Rights?" By Antony Flew. 6, nos. 3–4 (Summer/Fall 1982): 277–88.
"Country Ideology, Republicanism, and Libertarianism: The Thought of John Taylor of Caroline." By Joseph R. Stromberg. 6, no. 1 (Winter 1982): 35–48.
"The 'Criminal' Metaphor in the Libertarian Tradition." By Carl Watner. 5, no. 3 (Summer 1981): 313–25.
"A Critique of the Standard Account of the Socialist Calculation Debate." By Don Lavoie. 5, no. 1 (Winter 1981): 41–87.
"The Cultural Thought of Ludwig von Mises." By Jeffrey A. Tucker and Llewellyn H. Rockwell, Jr. 10, no. 1 (Fall 1991): 23–52.
"The Culture of Individualist Anarchism in Late 19th-Century America." By Wendy McElroy. 5, no. 3 (Summer 1981): 291–304.
"Customary Law with Private Means of Resolving Disputes and Dispensing Justice: A Description of a Modern System of Law and Order Without State Coercion." By Bruce L. Benson. 9, no. 2 (Fall 1990): 25–42.

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"An Economic Analysis of the Norris-LaGuardia Act, the Wagner Act, and the Labor Representation Industry." By Morgan O. Reynolds. 6, nos. 3–4 (Summer/Fall 1982): 227–66.
"Edwin M. Borchard, John Bassett Moore, and Opposition to American Intervention in World War II." By Justus D. Doenecke. 6, no. 1 (Winter 1982): 1–34.
"Efficiency vs. Ethics: Which is the Proper Decision Criterion in Law Cases?" By Roger A. Arnold. 6, no. 1 (Winter 1982): 49–57.
"Empire or Liberty: The Antifederalists and Foreign Policy, 1787–1788." By Jonathan Marshall. 4, no. 3 (Summer 1980): 233–54.
"Enforced Equality—or Justice?" By Antony Flew. 8, no. 1 (Winter 1986): 31–41.
"Enforcement of Private Property Rights in Primitive Societies: Law Without Government." By Bruce L. Benson. 9, no. 1 (Winter 1989): 1–26.
"The English Individualists as They Appear in *Liberty*." By Carl Watner. 6, no. 1 (Winter 1982): 59–82.
"Entrepreneurial Activity and American Economic Progress." By Jonathan Hughes. 3, no. 4 (Winter 1979): 361–71.
"Equality and Equal Opportunity." By Arnold W. Green. 1, no. 2 (Spring 1977): 125–36.
"Explaining and the Antiwar Movement, 1939–1941: The Next Assignment." By Justus D. Doenecke. 8, no. 1 (Winter 1986): 139–62.

"The Failure of Bolshevism and its Aftermath." By David Ramsay Steele. 5, no. 1 (Winter 1982): 99–111.
"Fallacies of Public Goods Theory and the Production of Security." By Hans-Hermann Hoppe. 9, no. 1 (Winter 1989): 27–46.
"Felix Morley and the Commonwealth Tradition: The Country Party, Centralization, and the American Empire." By Leonard P. Liggio. 2, no. 3 (Fall 1978): 279–86.
"Felix Morley: An Old-Fashioned Republican Critic of Statism and Interventionism." By Joseph R. Stromberg. 2, no. 3 (Fall 1978): 269–77.
"Fishkin on Nozick's Absolute Rights." By Tibor Machan. 6, nos. 3–4 (Summer/Fall 1982): 317–20.
"The Foreign Policy on the Old Right." By Murray N. Rothbard. 2, no. 1 (Winter 1978): 85–96.
"The Free Market Model versus Government: A Reply to Nozick." By John T. Sanders. 1, no. 1 (Winter 1977): 35–44.
"Free Market Transportation: Denationalizing the Roads." By Walter Block. 3, no. 2 (Summer 1979): 209–38.

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"Free Thought and Free Trade: The Analogy Between Scientific and Entrepreneurial Discovery Processes." By Pamela J. Brown. 8, no. 2 (Summer 1987): 289–92.
"From Hollis and Nell to Hollis and Mises." By Don C. Lavoie. 1, no. 4 (Fall 1977): 325–36.
"F. A. Hayek on Constructivism and Ethics." By Arthur M. Diamond, Jr. 4, no. 4 (Fall 1980): 353–65.
"F. A. Hayek on Liberty and Tradition." By John N. Gray. 4, no. 2 (Spring 1980): 119–37.

"George Smith's Justice" (comment on "Justice Entrepreneurship in a Free Market"). By Robert L. Formaini. 3, no. 4 (Winter 1979): 439–51.
"A Groundwork for Rights: Man's Natural End." By Douglas B. Rasmussen. 4, no. 1 (Winter 1980): 65–76.
"Guns for Protection, and Other Private Sector Responses to the Government's Failure to Control Crime." By Bruce L. Benson. 8, no. 1 (Winter 1986): 75–109.
"Gustave de Molinari and the Anti-Statist Liberal Tradition." By David M. Hart. Part I, 5, no. 3 (Summer 1981): 263–90; part II, 5, no. 4 (Fall 1981): 399–434; part III, 6, no. 1 (Winter 1982): 83–104.
"G. Stanley Hall: A Priestly Prophet of a New Dispensation." By Clarence J. Karier. 7, no. 1 (Spring 1983): 35–60.

"Harman's Moral Relativism." By Loren E. Lomasky. 3, no. 3 (Fall 1979): 279–91.
"Harold J. Laski: The Liberal *Manqué* or Lost Libertarian?" By Arthur A. Ekirch. 4, no. 2 (Spring 1980): 139–50.
"Hayek and Institutional Evolution." By Roger A. Arnold. 4, no. 4 (Fall 1980): 341–52.
"Hayek and Political Order: The Rule of Law." By William P. Baumgarth. 2, no. 1 (Winter 1978): 11–28.
"The Hayekian Model of Government in an Open Society." By Ronald Hamowy. 6, no. 2 (Spring 1982): 137–43.
"Hayek's Theory of Cultural Group Selection." By David Ramsay Steele. 8, no. 2 (Summer 1987): 171–95.
"Herbert Spencer as an Anthropologist." By Robert L. Carneiro. 5, no. 2 (Spring 1981): 153–210.
"Herbert Spencer's Theory of Causation." By George H. Smith. 5, no. 2 (Spring 1981): 113–52.
"Human Autonomy and the Natural Right to be Free." By Christopher W. Morris. 4, no. 4 (Fall 1980): 379–92.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

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"In Defense of Natural End Ethics: A Rejoinder to O'Neil and Osterfeld." By Douglas B. Rasmussen and Douglas J. Den Uyl. 7, no. 1 (Spring 1983): 115–25.
"In Defense of the Misesian Theory of Interest." By Roger W. Garrison. 3, no. 2 (Summer 1979): 141–50.
"*In Favorem Libertatis:* The Life and Work of Granville Sharp." By Carl Watner. 4, no. 2 (Spring 1980): 215–32.
"The Influence of Cantillon's *Essai* on the Methodology of J. B. Say: A Comment on Liggio." By Joseph T. Salerno. 7, no. 2 (Fall 1985): 305–16.
"An Integration of the *Wealth of Nations* with the *Theory of Moral Sentiments.*" By Jeffrey Herbener. 8, no. 2 (Summer 1987): 275–88.
"Intelligence and Ethics: The CIA's Covert Operations." By David Canon. 4, no. 2 (Spring 1980): 197–214.
"The Intergenerational Invisible Hand: A Comment on Sartorius's 'Government Regulation and Intergenerational Justice.'" By Arthur M. Diamond, Jr. 8, no. 2 (Summer 1987): 269–74.
"Internal Inconsistencies in Arguments for Government: Nozick, Rand, Hospers." By David Osterfeld. 4, no. 3 (Summer 1980): 331–40.
"Introduction to the French Edition of *Ethics of Liberty.*" By Murray N. Rothbard. 10, no. 1 (Fall 1991): 11–22.
"The Invisible Hand Strikes Back." By Roy A. Childs, Jr. 1, no. 1 (Winter 1977): 22–33.
"The Isolationist as Collectivist: Lawrence Dennis and the Coming of World War II." By Justus D. Doenecke. 3, no. 2 (Summer 1979): 191–207.

"The Jacksonians, Banking, and Economic Theory: A Reinterpretation." By Jeffrey Rogers Hummel. 2, no. 2 (Summer 1978): 151–65.
"John Locke and the Labor Theory of Value." By Karen I. Vaughn. 2, no. 4 (Winter 1978): 311–26.
"John T. Flynn: Exemplar of the Old Right." By Justin Raimondo. 10, no. 2 (Fall 1992): 107–24.
"Josiah Warren and the Sovereignty of the Individual." By Ann Caldwell Butler. 4, no. 4 (Fall 1980): 433–48.
"Justice Entrepreneurship in a Free Market." By George H. Smith. 3, no. 4 (Winter 1979): 405–26.
"Justice Entrepreneurship Revisited: A Reply to Critics." By George H. Smith. 3, no. 4 (Winter 1979): 453–69.
"J. S. Mill: The Utilitarian Influence in the Demise of Laissez Faire." By Ellen Frankel Paul. 2, no. 2 (Summer 1978): 135–49.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"King on Punishment: A Comment." By Murray N. Rothbard. 4, no. 2 (Spring 1980): 167–72.
"Kropotkin's Ethics and the Public Good." By Williamson M. Evers. 2, no. 3 (Fall 1978): 225–32.

"The Laissez-Faire Radical: A Quest for the Historical Mises." By Murray N. Rothbard. 5, no. 3 (Summer 1981): 237–53.
"Land Use Regulation: A Supply and Demand Analysis of Changing Property Rights." By Bruce L. Benson. 5, no. 4 (Fall 1981): 435–51.
"Landlordism and Liberty: Aristocratic Misrule and the Anti-Corn Law League." By Richard F. Spall, Jr. 8, no. 2 (Summer 1987): 213–36.
"Land-Use Planning: Implications of the Economic Calculation Debate." By E. C. Pasour, Jr. 7, no. 1 (Spring 1983): 127–39.
"Law and Liberty: A Comparison of Hayek and Bastiat." By James A. Dorn. 5, no. 4 (Fall 1981): 375–97.
"Law and the Liberal Society: F. A. Hayek's Constitution of Liberty." By Ronald Hamowy. 2, no. 4 (Winter 1978): 287–97.
"The Law of Omissions and Neglect of Children." By Williamson M. Evers. 2, no. 1 (Winter 1978): 1–10.
"Left Hegelianism, Arab Nationalism, and Labor Zionism." By Stephen P. Halbrook. 6, no. 2 (Spring 1982): 181–99.
"'Let the People See': Reflections on Ethno-religious Forces in American Politics." By Joel H. Silby. 6, nos. 3–4 (Summer/Fall 1982): 333–47.
"Levin on Feminism and Freedom." By Walter Block. 10, no. 1 (Fall 1991): 97–106.
"Liberal Traditions in Polish Political Thought." By Rett R. Ludwikowski. 5, no. 3 (Summer 1981): 255–61.
"Libertarianism and Legal Paternalism." By John Hospers. 4, no. 3 (Summer 1980): 255–65.
"Libertarians and Indians: Proprietary Justice and Aboriginal Land Rights." By Carl Watner. 7, no. 1 (Spring 1983): 147–56.
"Libertarians and the Authoritarian Personality." By J. J. Ray. 4, no. 1 (Winter 1980): 39–43.
"The Literature of Isolationism, 1972–1983: A Bibliographical Guide." By Justus D. Doenecke. 7, no. 1 (Spring 1983): 157–84.
"Lord Townshend and the Influence of Moral Philosophy on Laissez Faire." By Salim Rashid. 8, no. 1 (Winter 1986): 69–74.
"Ludwig von Mises and Natural Law: A Comment on Professor Gonce." By Murray N. Rothbard. 4, no. 3 (Summer 1980): 389–97.
"The Lying Truths of Psychiatry." By Thomas Szasz. 3, no. 2 (Summer 1979): 121–39.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Market Socialism: A Subjectivist Evaluation." By Robert Bradley, Jr. 5, no. 1 (Winter 1981): 23–39.
"Markets, True and False: The Case of Yugoslavia." By James A. Dorn. 2, no. 3 (Fall 1978): 243–68.
"Marxist and Austrian Class Analysis." By Hans-Hermann Hoppe. 9, no. 2 (Fall 1990): 79–93.
"A Matter of Degree, Not Principle: The Founding of the American Liberty League." By Sheldon Richman. 6, no. 2 (Spring 1982): 145–67.
"Medicine and the Crimination of Sin: 'Self-Abuse' in 19th-Century America." By Ronald Hamowy. 1, no. 3 (Summer 1977): 299–70.
"The Monetary History of America to 1789: A Historiographical Essay." By Jeffrey Rogers Hummel. 2, no. 4 (Winter 1978): 373–89.
"Monopoly and Competition in Money." By James Rolph Edwards. 4, no. 1 (Winter 1980): 107–17.
"Moral Development and Critiques of Anarchism." By Steven A. Peterson. 8, no. 2 (Summer 1987): 237–45.
"Moral Relativism as a Foundation for Natural Rights." By Gilbert Harman. 4, no. 4 (Fall 1980): 367–71.

"Natural Right in the Political Philosophy of Pierre-Joseph Proudhon." By William O. Reichert. 4, no. 1 (Winter 1980): 77–91.
"The Natural Rights Debate: A Comment on a Reply." By David Osterfeld. 7, no. 1 (Spring 1983): 101–113.
"The Nearly Invisible Invisible Hand." By Myles S. Wallace and Rex L. Cottle. 5, no. 3 (Summer 1981): 341–43.
"The Negative Interest Rate: Toward a Taxonomic Critique." By Walter Block. 2, no. 2 (Summer 1978): 121–24.
"Nonexcludability and Government Financing of Public Goods." By Karl T. Fielding. 3, no. 3 (Fall 1979): 293–98.
"A Note on Corruption by Public Officials: The Black Market for Property Rights. By Bruce L. Benson. 5, no. 3 (Summer 1981): 305–11.
"Nozick, Anarchism, and Procedural Rights." By Jeffrey Paul. 1, no. 4 (Fall 1977): 337–40.
"Nozick and the Individualist Anarchist." By Frederic C. Young. 8, no. 1 (Winter 1986): 43–49.

"Of Graver Import than History: Psychiatry in Fiction." By M. E. Grenander. 2, no. 1 (Winter 1978): 29–44.
"On Liberal and Democratic Nationhood." By Paul Gottfried. 10, no. 1 (Fall 1991): 1–10.
"On Locke's Argument for Government." By David B. Suits. 1, no. 3 (Summer 1977): 195–203.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

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"On the Parity of Groups." By William R. Havender. 2, no. 2 (Summer 1978): 167–78.
"The Opponents of Public Education: New York State, 1870–1880." By Gerard A. Postiglione. 6, nos. 3–4 (Summer/Fall 1982): 359–76.
"Order without Law: Where Will Anarchists Keep the Madmen?" By John D. Sneed. 1, no. 2 (Spring 1977): 117–24.
"'Oh, Ye Are For Anarchy!' Consent Theory in the Radical Libertarian Tradition." By Carl Watner. 8, no. 1 (Winter 1986): 111–37.

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